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ADMINISTRATION OF NATIVE HAWAIIAN HOME LANDS

JOINT HEARINGS

BEFORE THE

SELECT COMMITTEE ON INDIAN AFFAIRS
UNITED STATES SENATE

AND THE

COMMITTEE ON INTERIOR AND INSULAR AFFAIRS
HOUSE OF REPRESENTATIVES

ONE HUNDRED FIRST CONGRESS

FIRST SESSION

ON

OVERSIGHT HEARING ON THE ADMINISTRATION OF NATIVE HAWAIIAN HOME LANDS

AUGUST 7, 1989
HONOLULU, OAHU

PART 1

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ADMINISTRATION OF NATIVE HAWAIIAN HOME LANDS

MONDAY, AUGUST 7, 1989

U.S. SENATE, SELECT COMMITTEE ON INDIAN AFFAIRS,
MEETING JOINTLY WITH THE COMMITTEE ON INTERIOR
AND INSULAR AFFAIRS, HOUSE OF REPRESENTATIVES,
Honolulu, HI.

The committee met, pursuant to notice, at 8:55 a.m., at the State Capitol Auditorium, 415 South Beretania St., Honolulu, HI, Hon. Daniel K. Inouye (chairman of the Select Committee) presiding.

Present from the Select Committee on Indian Affairs: Senator Inouye.

Present from the Committee on Interior and Insular Affairs: Representatives Blaz and Faleomavaega.

Also present: Representative Akaka.

STATEMENT OF HON. DANIEL K. INOUYE, U.S. SENATOR FROM HAWAII, CHAIRMAN, SELECT COMMITTEE ON INDIAN AFFAIRS

The CHAIRMAN. My fellow Americans, ladies and gentlemen, Aloha.

[Chorus of Aloha.]

The CHAIRMAN [continuing]. This morning, as Chairman of the Select Committee on Indian Affairs, and on behalf of Congressman Morris Udall, Chairman of the Committee on Interior and Insular Affairs of the United States House of Representatives, I am most pleased and honored to welcome all of you to these joint hearings of the two committees on the subject of the lands set aside for the benefit of the native people of the State of Hawaii pursuant to the provisions of the Hawaiian Homes Commission Act.

On June 30, 1921, Prince Jonah Kuhio Kalanianaole, delegate to the United States House of Representatives from the Territory of Hawaii, came before the assembled members of the United States House of Representatives and spoke on a bill which was then pending before the Congress. I believe his words serve as a cornerstone and the inspiration for these hearings that the committees will be holding throughout this week on the islands of Oahu, Kauai, Molokai, Maui, and Hawaii.

I would like to quote from the statement he made on this auspicious day. He said the following words:

> Chairman and gentlemen, this bill contemplates new legislation in the way of helping the Hawaiian people who are dying out get back onto the land and rehabilitate themselves. It also affects the Organic Act. This matter has been considered thoroughly by the people, and was the issue in the last two elections. It is the most important matter that has ever been brought before the Congress.

> To me, the rehabilitation portion is the most important. The Hawaiian people for the past 100 years have been dying off rapidly. This decline has been recognized by all of our kings since Kamehameha III. Kamehameha IV, Kamehameha V, and [Hawaiian names] had all recognized the decrease and urged that something be done to save the people.
>
> At the present time we have not many lands left. The Hawaiians formerly were farmers, but under the new conditions they were driven out from their lands and came into the city. They were poor. They lived in small tenements. And the consequence is that they are dying out rapidly.
>
> I hope that you will vote for this bill because it is for the benefit of the people of the whole of the Territory.

Now, 69 years later, we are here this morning to examine the intent of the law which Jonah Kuhio Kalanianaole urged his colleagues to enact to determine whether it has been fulfilled. Although known as the Hawaiian Homes Commission Act of 1920, the act was finally passed by the Congress and signed into law on July 9, 1921.

In the ensuing 68 years there have been various inquiries into specific subjects affecting the Hawaiian Homes Commission Act. There has never been any comprehensive oversight by the United States Congress to assess whether the Act's objectives are being realized. So today and throughout this week these hearings mark an important page in the history of the Native Hawaiian people. We are here because of the Native Hawaiian people, and we are here to ensure that the trust responsibilities that are owed to them are being carried out under the highest fiduciary standards, and it is for these reasons we hold these hearings.

Upon the enactment of the Hawaiian Homes Commission Act the United States Government assumed a trust responsibility for the lands that were set aside for the benefit of Native Hawaiians. The United States administered that trust from 1921 until 1959, when the responsibility of administering these lands was transferred to the new State of Hawaii. But the commitment and the responsibilities of the United States did not end with that transfer, and a 1979 interpretation of the Federal Government's responsibilities by the Deputy Solicitor of the United States Department of the Interior confirms this ongoing relationship.

The United States Department of the Interior defines the relationship of the Federal Government to the homelands trust as "more than merely ministerial or non-discretionary. The United States can be said to have retained its role as trustee under the Act, while making the State of Hawaii its instrument for carrying out this trust."

In a few days we will be celebrating the 30th anniversary of statehood for Hawaii, and to those who would question the appropriateness of Federal Congressional oversight hearings on the Hawaiian Homelands, I would call their attention to section 5(f) of the Hawaii Admissions Act which states, "Such lands shall be managed and disposed by the State for the betterment of the conditions of the Native Hawaiians, and their use for any other object shall constitute a breach of trust for which suit may be brought by the United States."

It is this important power, the power to enforce the trust, and the fact that the United States reserved this power to itself, which provides the strongest evidence that the United States Congress intended a continuing Federal role in overseeing, monitoring, and enforcing the trust responsibility that was created for the benefit of Native Hawaiians.

These hearings are also being held to examine an important earlier work and to determine what has been done since that work was commissioned. In 1983, the Secretary of the United States Department of Interior and the Governor of Hawaii commissioned a task force to study the Hawaiian Homes Commission Act. This Federal/State Task Force on the Hawaiian Homes Commission Act submitted its study and findings and, in addition, made 134 recommendations—recommendations for actions that could be undertaken by the State and Federal governments to strengthen the Hawaiian Homes Lands program.

The committee's hearings are thus intended to assess the status of the implementation of the task force's recommendations, to find out what has been done, and to determine what additional action may be necessary.

I know that there has been much discussion and some controversy associated with these hearings since they were first announced in February of this year. As many of you are aware, the committee has had to make many changes in an effort to accommodate all of those who would be participating in these hearings. First, because these hearings are designed to focus on the Hawaiian homelands, the Hawaiian homestead associations felt that they should play a predominant role in the hearings. And so early on I made a commitment that the homestead associations would be allocated one half of the committees' hearing each day so that they could develop their own agenda and determine what information would be brought before the committees.

My colleagues in the Congress will tell you that this is not the customary practice in the Congress of the United States. Indeed, it is highly unusual to turn over the responsibility of Congressional hearings to a non-Federal entity.

Second, in May the Select Committee held meetings in Native Hawaiian communities to discuss these hearings and to hear firsthand from the people most directly affected by this program about their concerns. In those meetings and subsequently, the committee heard from Native Hawaiians who comprise a group of Hawaiians that have over 19,000 applications on the commission waiting list but who have yet to receive an assigned land. These individuals do not belong to homestead associations because they are not yet on the land, but they are beneficiaries of the Act. And they expressed the desire to present testimony to the committees. Accordingly, the committees initially set aside an hour of each day's hearing for non-homestead testimony; however, very recently, because of the heavy demand to testify, the committees have set aside an additional hour for non-homestead testimony on the islands of Kauai, Molokai, Maui, and Hawaii.

My colleagues will tell you that almost without exception Congressional committee hearings are held between the hours of 9 a.m. and 5 p.m. and are usually no more than 2 or 3 hours. But, in response to the requests of Native Hawaiians who are working people, the committees rescheduled these hearings so that those wishing to participate would not have to forego 1 day's wages to do so. It can be seen from the schedule which has been published in the papers and announced in the meetings that these hearings go far beyond the average 2 or 3 hour length.

Today's hearing covers an 11-hour period. Hearings on the neighbor islands will be about 10 hours in length with no break. It is not going to be easy, but we will go straight through without a break.

As I indicated, we rescheduled these hearings so that homestead testimony could be presented during non-working hours. But then we received complaints that the hearings would be going on too late into the evening and that the kupunas would not be able to attend. So again the committees adjusted the hearing schedule so that the hearings would end at 8 p.m. so that the kupunas, the most important of persons among us, could attend and participate in the hearings.

Originally, given the other demands on the time of Members of Congress, hearings were scheduled to be held on Oahu, Kauai, Molokai, and Hawaii; but the homestead associations on the Island of Maui complained, and so now we are holding an additional ten hours of hearings on the Island of Maui.

Finally, as many of you know, the committees' hearings were originally scheduled to be held in July, but we were informed by the Governor's office that the Governor's annual statewide planning meeting was scheduled for the same time, and that if the Department of Hawaiian Homes Lands participated in the hearings, it would be excluded from the statewide planning process. This seemed to be too high a price to pay for hearings that are intended to help to get more Native Hawaiians on the land, and we did not want to further jeopardize the status of the people on the waiting list or to further delay those who were waiting for the development of infrastructure so that they can get on the land. And so the committees adjusted the schedule once again.

My dear friends, I mention all of this because there are some in the Hawaiian community who seem to want to focus much of their energy not on the constructive and positive things that can be achieved through these hearings and not on the opportunity to make their concerns known to the Congress, but rather would spend their time being critical and focusing upon changes in the hearing schedule as if those changes were the most important issue and as if such changes were evidence of some bad motives or hidden agenda.

My friends, there is no hidden agenda here. These hearings are for the Native Hawaiian people and the schedule of the hearings has been changed several times to accommodate what the Native Hawaiian people have said were their concerns. Thus, I hope we can begin today and that we can go forward with our eyes fixed on what can be accomplished.

The record of these hearings will provide the basis for Congressional action to address the concerns that are expressed. Such action is warranted and recommended.

The record will also serve as a means of educating Federal agencies as to what they can do to support the development of the home lands.

And the record will serve to educate the American public, many of whom I believe have not the slightest notion of the history of the

Native Hawaiian people, the plight of their conditions that gave rise to the Hawaiian Homes Commission Act, or of the quality of life that is lacking for many Native Hawaiians. They do not know of the high incidence of such diseases as diabetes and cancer that are higher in the Native Hawaiian population than in any other population in the world. They do not know that the Native Hawaiian culture has suffered at the hands of educators and missionaries who sought to westernize the native people of these islands by prohibiting them from speaking their native language, practicing their native religions, their native dances, or their traditional way of life.

And so this is the people's time to speak out and to tell the world what their concerns are, what their desires are, what their hopes are for their own futures and those of their children.

The hearings have been designed to provide this forum and the opportunity to inform and educate so that changes can be made and so that conditions can improve. So let us all take advantage of this opportunity. And if there are those who do not wish to be constructive in this setting, please be advised that I will not tolerate the use of this forum for those who may desire to grind an axe, castigate others, or to advance their own political agenda.

In recent days there has been much talk about Native Hawaiian sovereignty. As I have said, most recently to a gathering of Native Hawaiians in early July, I support this movement toward sovereignty and I stand ready to assist Native Hawaiians in achieving sovereignty once a consensus in the Native Hawaiian community has been reached on this issue.

My dear friends, there are many forms of sovereignty. There is the sovereignty on the international level that allows nations to make treaties with one another and, unfortunately, from time to time to wage war with one another to protect their sovereign rights and territory.

There is also the sovereignty of our national government, the sovereignty of the state government, the sovereignty of the city and county of Honolulu and the other county and local units of governments. There is also the sovereignty of Indian nations and tribes and native village councils in Alaska. There are many, many models of sovereignty to be examined.

A study of these models and different forms of government can assist those who are contemplating these issues to learn from the experience of others, to draw from the best experiences, characteristics or forms of sovereignty that have worked for the people and to reject those that have disenfranchised the people for whom sovereignty is sought.

I know there are some that will desire to use this forum to discuss sovereignty. While I will not, as chairman, attempt to limit this testimony, I will point out that the committee will be back to conduct meetings and to hold hearings on sovereignty. That is my promise.

We will use the resources of the Congress to bring information about all the various forms of sovereignty to the Native Hawaiian community so that these forms can be considered, discussed, debated, accepted, or rejected in part or in whole. I assure you that there will be other days and ample time for discussion of Native Hawaiian sovereignty.

But today and throughout the week our focus is on the lands that were set aside for the benefit of Native Hawaiians under the Hawaiian Homes Commission Act, the revenues derived from ceded lands that are to be used for the betterment of conditions for Native Hawaiians, and on the implementation of the recommendations of the 1983 Federal/State Task Force.

We will examine the respective roles of the Federal and State governments in the development of the homelands to ascertain ways in which the Federal Government might enhance its efforts to assist the State in fulfilling the objectives of this Act through access to Federal programs which provide support to other American communities.

Finally, some have suggested that these hearings are a waste of time and nothing will come out of it. May I just tell you that in the 30 years I have been in the Congress I have not conducted hearings just to waste my time.

[Applause.]

The **Chairman**. And if you know my record, you will know that most—just about all of the hearings I have conducted have resulted in legislation. And this will be one of them.

[Applause.]

The **Chairman**. And so my dear friends, without further ado let's begin.

But before we do, I am pleased to call upon several of my colleagues who are seated here beside me. I am certain they would like to say a few words.

First of all our native son, a Congressman from the State of Hawaii, Congressman Daniel Akaka.

[Applause.]

STATEMENT OF HON. DANIEL K. AKAKA, U.S. CONGRESSMAN FROM HAWAII

Mr. **Akaka**. Aloha. It is a great honor for me to join the Senator at this hearing.

I want to mention three things. One, I'd like to welcome all of you to this hearing. I welcome you in the spirit of aloha and in the spirit of sharing and expressing yourselves and ourselves and in the spirit of ho'o pono pono, where we can express ourselves in a true manner, expressing our true feelings.

And we welcome members of Congress: Mr. Ben Blaz, Congressman from Guam; and Eni Faleomavaega, Delegate of Samoa. We also welcome the staff of the Senate Committee on Indian Affairs and the staff of the House Committee on Interior and Insular Affairs. And we welcome our dear friends, the American Indians, who have come because of their deep interest in what is happening and beginning for Native Hawaiians. And I want to welcome all of those who have come because of their concerns.

I especially want to say mahalo to Senator Inouye and to associate my remarks with all that he has said. As you know, we are proud. The people of Hawaii are proud of Senator Inouye and his record in the Senate and the Congress and the nation, what he has done not only for the people of Hawaii, but people of the nation and for the world. He is one of the most highly regarded Senators in the United States Congress. His leadership there has counted. It has made a difference. And I am so happy to say that he has never, never forgotten the people of Hawaii.

[Applause.]

Mr. AKAKA. And I want to tell you that I'm proud to work with him as a Member of the House. As we both work in our Appropriations Committees of the Senate and the House of Representatives, the teamwork helps Hawaii and our country in bringing about legislation that is very helpful.

And so I'm very grateful for all that has happened up to this point and look forward to what is coming in the next few days.

I'm also happy that the people of Hawaii have finally been given an opportunity to express themselves on this act, to express yourselves with the hope that this will help to bring about a better quality of life for the Hawaiians.

And so I look upon the hearings that have been set up by our good Senator and by the committees as hearings of opportunity to bring about a better life for the Hawaiians and the people of Hawaii.

Mahalo, Senator, for giving me this opportunity. I look forward to the hearings for the rest of the week.

Aloha.

[Applause.]

The CHAIRMAN. I thank you very much, Congressman Akaka, and especially for the kind words.

And now, ladies and gentlemen, it is my pleasure and great honor to present to you a member of the House Committee on Interior and Insular Affairs, our dear friend from the Pacific, Delegate Ben Blaz of Guam.

[Applause.]

STATEMENT OF HON. BEN BLAZ, U.S. DELEGATE FROM GUAM

Mr. BLAZ. Thank you very much, Senator Inouye.

Mr. Chairman, as you know, we participated in the Congress in thousands of hearings dutifully to execute our responsibilities. Every once in a while along comes a hearing that really is a memorable and a momentous one, and you'd do anything to be a part of it simply because it is historic, but, above all, it is a hearing to right a wrong.

[Applause.]

Mr. BLAZ. There are many hearings, as I mentioned, that are trying to create new things. But one of the things we're doing is to re-visit something that we should have re-visited 10, 20, 30, 40, 50, 60, 70 years ago.

At this time of the year the Congress travels worldwide, and the temptation to go to Moscow, to New Delhi, to Caracas, or to Singapore is overwhelming; but it pales in comparison to the obligation that we, the Sons of the Pacific, have for things of the Pacific. We got here first.

[Applause.]

Mr. Blaz. I don't have any more to say than that my purpose is to listen. I'm so privileged to be here.

I thank you, Mr. Chairman, for inviting me.

[Applause.]

The Chairman. As you can see, they love you here Ben.

And now it is my great pleasure and high honor to present to you the new Delegate from American Samoa, the Honorable Eni Faleomavaega.

STATEMENT OF HON. ENI FALEOMAVAEGA, U.S. DELEGATE FROM AMERICAN SAMOA

Mr. Faleomavaega. Thank you, Mr. Chairman, Delegate Blaz, and Congressman Akaka.

It is my privilege and honor to be here today to hear the testimony which will be presented on the Hawaiian Homes Commission Act. As a member of the House Interior Committee, I want to thank Chairman Udall for inviting me to attend these hearings and to specifically acknowledge his leadership and active involvement in support of the rights of Native Americans throughout our country.

Senator Inouye, I want to publicly express my utmost respect for the leadership and inspiration you have shown throughout your many years of service in the Senate. These hearings and your willingness to sit as chairman of the Select Committee reflect only a small part of the work that you have provided us to meet the needs of all Native Americans and especially including the Native Hawaiians.

I cannot think of a more appropriate place than at these hearings here in your home State of Hawaii to thank you again for your continued support.

Although I was not a Member of Congress and, in fact, was not even born when the Hawaiian Homes Commission Act became law, I am familiar with its provisions. As a former Lieutenant Governor of American Samoa, I had cause to review the act with a view toward possible adaptation for the use of this act in Samoa. As a Congressional representative from the Territory of American Samoa and as a fellow Pacific Islander, I am very interested in seeing that this act is effective in preserving the homelands that were specifically allocated for the needs of our Native Hawaiians.

As a Polynesian and as a fellow Pacific Islander, I am intimately familiar with the conflicts which exist between the Polynesian and Western cultures. We Polynesians, with a strong cultural identity and affinity for the land in which we live, have much to offer to Western civilization.

It is unfortunate that in many of our initial contacts with Western culture the messengers were too hurried and harried to appreciate our cultural values and virtues. It is even more unfortunate that many of these contacts resulted in interactions which worked to the significant detriment of not only Polynesians, but all Native Americans.

As I mentioned above, it is through the efforts of gentlemen like Chairman Inouye and Chairman Udall that we, as a nation, have been able to address some of these serious problems.

In my review of the materials in preparation for this hearing I see that there are several issues which may need attention by the United States Congress. I am anxious to hear the testimony of the "missing lands." Given the wide disparity of opinions on this issue, it will be most helpful to hear first-hand for myself the roots of the problem and the suggested alternative resolutions.

I see also that our responsibilities to the Native Hawaiians may be better met if we make adjustments to the present State-Federal relationship, and I look forward to hearing the testimony on this issue.

I am concerned that despite the efforts of Federal and State legislators for over 60 years there are still 7,000 to 9,000 Native Hawaiians with over 18,000 applications pending before the Commission. I hope that these hearings will shed some light on possible resolutions to this problem.

Finally, the sovereignty and ownership on the homelands of the Native Hawaiians is an issue close to my heart. While I come to these hearings open to all possible resolutions of this issue, I will give special attention to the problem both because of its importance and because of the emotional response it elicits from my Hawaiian cousins.

If I might just digress for a moment, Mr. Chairman, I say this as a member of the Samoan family—and, again, I want to express my humblest gratitude and appreciation to my Hawaiian cousins for bringing the Hokule'a to Polynesia.

[Applause.]

Mr. Faleomavaega. I know that Hawaii has a very unique role to play in our nation that is comprised of so many different people and ethnic nationalities from all over the world. But I think we also, as a nation, have a responsibility to the indigenous inhabitants who cared for this land and are very much a part of the land.

I say this with my gratitude and appreciation, again, on behalf of all of our Polynesian people: thank you, again, to my Hawaiian cousins for bringing the Hokule'a to our islands.

Mr. Chairman, it was just last week that I had the privilege of picking opihi on Kahoolawe Island; specifically Kealaokahiki point. It has a very special meaning to me.

I also want to express my gratitude to a very dear friend and former colleague as lieutenant governor, the first elected Governor of Hawaiian ancestry of this great State, my good friend John Waihe'e.

I say this also because part of my life was here in Hawaii, Mr. Chairman. I graduated from a little high school up north called Kahuku. [Laughter.]

If you say anything about Kahuku I'm going to punch your mouth.

[Laughter and applause.]

The Chairman. Well, Eni, welcome home. [Laughter.]

An endeavor of this magnitude obviously cannot be done by the members of the committee. We have to rely upon staff people to conduct our research, to develop and organize information and to identify substantive issues to be addressed in the hearings. I have brought with me the most senior staff of the Select Committee on Indian Affairs and the House Members have brought with them the critical staff people. Before we proceed I would just like to introduce them to you.

First, from the Senate staff, our staff director who, incidentally, is the great-great-grandson of that great hunk papa Chief Sitting Bull, Mr. Alan Parker.

[Applause.]

The CHAIRMAN. The chief counsel of the committee, a prominent attorney, also the editor of the American Indian Law Review, Dr. Patricia Zell, a Navajo.

[Applause.]

The CHAIRMAN. The deputy minority counsel, Steven Healey.

[Applause.]

The CHAIRMAN. Our senior counsel, Mr. Peter Taylor.

[Applause.]

The CHAIRMAN. Another senior counsel, Ms. Virginia Boylan.

[Applause.]

The CHAIRMAN. And an important professional staff member who is in charge of Hawaiian Affairs in the Select Committee on Indian Affairs, daughter of this land, Lurline McGregor.

[Applause.]

The CHAIRMAN. Chief clerk of the committee, Elva Arquero.

[Applause.]

The CHAIRMAN. And the important committee clerk, Hawley Manwarring from Hawaii.

[Applause.]

The CHAIRMAN. And from the House of Representatives we have Kaloa Robinson from the staff of Congressman Akaka.

[Applause.]

The CHAIRMAN. And from the House Interior and Insular Affairs Committee we have Ms. Marie Howard.

[Applause.]

The CHAIRMAN. And the senior minority counsel for Indian Affairs Cathy Wilson.

[Applause.]

The CHAIRMAN. And Chris Kennedy.

[Applause.]

The CHAIRMAN. We also have another member of the staff of Congressman Akaka, Mr. Peter McGregor.

[Applause.]

The CHAIRMAN. Since the leading agency in the Federal Government is the Department of Interior, we are pleased to have a personal representative of the Mr. Lujan, Secretary of the Department of Interior, Mr. Timothy Glidden.

[Applause.]

The CHAIRMAN. And an important member of the Office of the Solicitor of the Interior Department, Ms. Ruth Van Cleve.

[Applause.]

The CHAIRMAN. And now to begin this hearing, I am pleased and honored to call upon Hawaii's first Native Hawaiian Governor. He is His Excellency John Waihe'e, Governor of the State of Hawaii.

[Applause.]

STATEMENT OF HON. JOHN WAIHE'E, GOVERNOR, HONOLULU, HI

Governor WAIHE'E. Members of the committee, friends of Hawaii, aloha.

[Response of Aloha.]

Governor WAIHE'E. Your presence in Hawaii is an historic occasion. It marks the first time that Congress will have reviewed the progress of the Hawaiian Homes Commission Act of 1920 since its inception. Appropriately, these hearings are being held in the 30th year of Hawaii's statehood.

In one sense, these hearings should have been held 31 years ago, before the compact of statehood, before the people of Hawaii had accepted the responsibilities of the act.

The Federal Government did not provide the best lands nor the most adequate resources for the development of those lands. If Congress had held these hearings 31 years ago and had truly provided the necessary tools to "rehabilitate" the Hawaiian race, then the Hawaiian Home Lands' story might be a very different one.

Over the next 5 days, you will hear many different stories: successes and failures, cooperation and contention. For the most part, the stories will be a litany of the past. The past is important for us. It establishes a record. The past teaches us lessons—good lessons, painful lessons. But if we dwell in the past, then nothing will be achieved for our people.

Therefore, our focus will be on today and the future. We will talk about the situation and the progress being made today and what our plans are and hopes are for the future.

At the committees' request, Mr. Chairman, we will also be talking not only about the Hawaiian Homes program, but also other issues and programs that impact Hawaii.

It is appropriate for us to recognize that the Hawaiian Homes program does not and cannot be the sole provider of services to the Hawaiian people.

Twenty-one percent of this State's resident population is Hawaiian. There are over 200,000 Hawaiian people from all walks of life and every socioeconomic group living in every community across the State—in rural communities and in our urban centers. We recognize the diversity of needs, wants, and desires.

At the same time, we recognize the disproportionate share of problems carried by the Hawaiian people—the negative statistics, the problems of health, dependency, lack of choices, under-achievement in education, and desires for better jobs, affordable housing, and a better life.

To serve these needs we offer a wide variety of programs. Two of these, Hawaiian Home Lands and the Office of Hawaiian Affairs, are solely dedicated to serving Hawaiians. Others provide for all the people of Hawaii. However, many of these so-called general purpose programs disproportionately service Hawaiians; therefore, any improvements made to these programs disproportionately—and, I might add, appropriately—benefit Hawaiians.

For example, there are proportionately more Hawaiians lacking adequate health insurance than any other ethnic group in our State. The implementation of a statewide universal health care insurance program will definitely benefit Hawaiians.

Hawaiians depend on public education. The extent to which we are successful in our education reform efforts is the extent to which we will benefit Hawaiians, as well as every other student in our public school system. And if the Federal Government and the State are truly committed to the goal of individual and family self-sufficiency, then the welfare reform effort will benefit Hawaiians.

Indeed, a conservative estimate prepared by the State's Department of Budget and Finance indicates that for fiscal year 1990 we will spend $285 million for Hawaiians.

The State cannot be alone in our efforts to provide both general purpose and targeted programs for Hawaiians and all of our citizens. State directors and other witnesses will identify a number of areas in which new Federal dollars will make significant differences, especially if they are combined with existing State and private initiatives.

However, we must remember that cuts and limitations on existing programs will fundamentally and drastically reduce any of the gains that can be made with new programs. Cuts in Federal spending on social service and health programs, cuts in housing programs, cuts in community development block grants, cuts in job training monies, and cuts in student loans impact all of our citizens, but have especially negative impacts on Hawaiians.

It is important for us to consider how all of these programs fit together in order for us to achieve real change and real progress.

Real changes and real progress are goals that we have struggled with constantly. Our State Constitution is an example of how Hawaiian values and needs are so tightly woven into the fabric of our daily existence. We begin, of course, with our preamble: "Mindful of our Hawaiian heritage and uniqueness as an island state." But we do not end there. The essence of our constitutional statement on public safety is the Law of the Splintered Paddle, enunciated by our great King Kamehameha that teaches, "Let every elderly person, woman, and child lie by the roadside in safety." We mandate the study of Hawaiian culture, history, and language.

We reaffirm "all rights, customarily and traditionally exercised for subsistence, cultural, and religious purposes." In all likelihood, we are the only State in the nation that has recognized the native language as one of the two official languages of our State. All of this is in addition to the Hawaiian Homes Commission Act and the establishment of the Office of Hawaiian Affairs.

Mr. Chairman, as I have indicated to you on a number of occasions, it is our intent to cooperate fully with these hearings. Our cooperation is a measure of our belief that these hearings have the potential of being mutually beneficial, that we will find new ways—legislative and programmatic—to address age-old problems.

There rarely has been any partnership between the Federal Government and the States in addressing the needs of native peoples. It is my belief that because of our history and our geography, it is not only possible, but imperative that we develop a strong Federal/State partnership.

Mr. Chairman, on a personal note, you are very well aware that I have a personal interest in these hearings. Thirty-five years ago my father placed his name on a waiting list for Hawaiian Home Lands and he died on that waiting list. All of us need to work toward that day when there are no more lists in the State of Hawaii.

[Applause.]

Governor **WAIHE'E**. My personal mahala to you, Mr. Chairman, and the members of your committee for making this opportunity available to the native people of this State.

Thank you very much.

[Applause.]

[Prepared statement of Governor Waihe'e appears in appendix.]

Governor **WAIHE'E**. In accordance with the agenda, Mr. Chairman, at this time I would like to call upon Kengo Takata, who is the Deputy Director of the Department of Education; Doctor Albert Simone, the President of the University of Hawaii; Winona Rubin, the Director of the Department of Human Services; and Doctor Jack Lewin, the Director of the Department of Health, to provide an update for this committee on the education, human services, and health programs which impact Hawaiians in this State—much of which, by the way, Mr. Chairman, you have been responsible for initiating on the Federal level and for helping us get started in the State of Hawaii.

Once again, thank you.

The **CHAIRMAN**. Mr. Governor, I thank you for your good words. I think it sets the right tone for these hearings, and we look forward to the days ahead of us. Once again, thank you.

Now it is my pleasure to call upon the Deputy Superintendent of the Hawaii Department of Education, Mr. Kengo Takata.

STATEMENT OF KENGO TAKATA, DEPUTY DIRECTOR, HAWAII DEPARTMENT OF EDUCATION, HONOLULU, HI

Mr. **TAKATA**. Mr. Chairman and members of the committee, I am Kengo Takata, Deputy Superintendent. I am testifying on behalf of Superintendent Charles Toguchi, who is attending a meeting of the Council of Chief State School Officers. He extends his aloha to all of you.

Perhaps before I go into my official presentation I should say something about Kahuku High School. [Laughter.]

Kahuku High School. Perhaps Mr Faleomavaega will be interested to know—and others will be interested to know because Kahuku School services so many of the youngsters from the Pacific Islands—and in the past year Kahuku School has been identified by a national panel as an outstanding American high school.

[Applause.]

Mr. **TAKATA**. And this fall they will be going to Washington to accept their reward.

Mr. Chairman, the Hawaii Department of Education is a statewide system very unique from the systems on the continental United States, serving 167,000 students in special education prekindergarten program through 12th grade. Of this number, we have 37,600, or 23 percent, who are students of Hawaiian ancestry.

The State of Hawaii, through legislative funding for the Department of Education, has created several programs during the 1980s focusing on various aspects of Hawaiian culture for all students in the public school system, but providing special cultural benefits for

Hawaiian students. Other programs have been initiated in conjunction with the Kamehameha Schools/Bishop Estate and Alu Like, Inc. to address the academic and socialization needs of our Hawaiian students.

Among these programs are: the Hawaiian Studies program, the Hawaiian Language Immersion program, Special Needs Schools, the Hana Kupono project focusing on the 7th and 8th grade students, the Kamehameha Early Education Program known as KEEP, and the Bishop Estate/Kamehameha Schools-funded summer schools which are provided on the public school campuses, and other student services carried out in collaboration with community organizations and agencies including the University of Hawaii and our community colleges.

The two principal programs funded by the State are the Hawaiian Studies program, now in its 10th year of implementation, and the Hawaiian Language Immersion program, which begins its third year this fall.

The Hawaiian Studies program is currently funded at $2.5 million and provides the services of kupuna or elder Hawaiians and other community resource persons in all of our elementary schools throughout the State from kindergarten to grade six.

The Hawaiian Studies program was developed in response to the mandate of our State Constitution to promote the study of Hawaiian culture, history, and language in the public schools. The program will provide services to approximately 93,500 students in 3,700 classrooms in 1989–90.

The Hawaiian Language Immersion program in a limited program established to provide children with prior experience/instruction in the Hawaiian language with an opportunity to engage in formal learning of the basic curriculum in a totally Hawaiian language context in early primary grades.

The program is currently funded at the level of $225,000 to accommodate approximately 160 students in grades K–3 in the coming school year. I'm sure you're interested to know, or you will be interested to know, in the ongoing State language program for our intermediate and high schools there are approximately 900 students who are enrolled in elective Hawaiian language courses.

The Special Needs Schools program will start this next school year as an outgrowth of one of Governor Waihe'e's school reforms recognizing that special needs exist in schools characterized by a high number and percentage of high-risk students and those who are chronic low achievers.

In the past, such schools have been expected to produce the same result as any other school without necessarily taking into account certain academic and socioeconomic factors that affect school achievement. The Special Needs Schools program recognizes that for these schools to attain the expectations within the same time period as other schools, special effort, resources, and services are needed.

This fall, 10 schools in the Leeward School District along the Leeward Coast in the Nanakuli and Waianae School complexes will be the first to receive additional resources and services under this new program. The vast majority of students who will benefit from this program will be Hawaiian children in grades K–12.

From a study conducted in 1985, the Department identified critical educational needs at the intermediate grades, grades seven and eight, particular among Hawaiian students. Efforts have been made for the last 3 years to address these needs in the Hana Kupono project, which uses culturally-based models and approaches in improving the education for that group of youngsters who are going through a traditionally difficult transition period in their lives.

Federal funds through Alu Like, Inc., have been used to provide additional resources to 25 selected classrooms throughout the State involving 758 students. Cooperative efforts with the Kamehameha Schools/Bishop Estate have spanned many years. Among these efforts have been Kamehameha Schools/Bishop Estate's provision of supplemental support for intermediate level counseling and alternative school opportunities for our public school students of Hawaiian ancestry. In addition, two major initiatives have been initiated by the Kamehameha Elementary Education Program [KEEP] and the cooperative summer program, as initiated by the Kamehameha Schools/Bishop Estate.

KEEP is a language arts program. It was established in 1971 to improve the language performance of students of Hawaiian ancestry. Currently, the program is cooperatively implemented in eight of our elementary public schools. At each site, curriculum materials, equipment, and a team of trained staff members including site manager, consultants, and trainers, are provided.

Since 1983, the Kamehameha Schools/Bishop Estate has been assisting the Department of Education in the development of summer educational programs. At 16 sites this summer Kamehameha Schools/Bishop Estate provided funding for special staff—coordinator, teachers, curriculum specialist, kupuna, student aides, and clerk—as well as other support, including financial assistance to students, bus transportation, and snacks.

The Department of Education and the State of Hawaii continues to be sensitive to the concerns about the educational advancement of our Hawaiian students. Where the needs and interests of this target group are similar to those of other students, we have implemented programs to benefit all students. However, where the needs appear unique to the target group, we have received support from external sources.

While this arrangement will continue in order to take full advantage of the expertise, interest and resources of these groups, there are major areas that could benefit from direct Federal assistance. With additional Federal assistance to the Hawaii Department of Education as the administering agency, statewide programs to benefit the Hawaiian students, in particular, would be possible, including additional basic skills reinforcement, cultural counseling, early career planning, and orientation to occupations and professions with inadequate Hawaiian representation.

We have sought to share with you some of the major educational activities being undertaken by our public schools which have made significant impact on our Hawaiian children. However, we also seek to leave you with the understanding that much remains to be done by lower education. Toward this end, we ask that you consider additional Federal assistance and support specifically targeted for Hawaiian children.

We are constitutionally required and committed to develop understanding and appreciation of the fundamental values, concepts, practices, history, and language of our Hawaiian culture among all of Hawaii's children. In the meantime, as we meet this charge we have found that there are special needs among our Hawaiian children that require special attention if they are to benefit from the application of their own culture within a broader society.

We ask for your support and understanding of our efforts, and we appreciate the opportunity to testify before you.

I'm sure that in presentations of testimony such as this it is especially beneficial to look at the providers at the grass roots level and also the recipients of the providers. For the next few minutes what we'd like to do is share with you two of our programs, and that sharing will be done by one of our teachers, Mrs. Alohalani Kaina, who is a teacher at Waiau Elementary School, and she will be helped by two students from our Hawaiian Language Immersion program.

Mrs. Kaina.

[Prepared statement of Charles Toguchi appears in appendix.]

STATEMENT OF ALOHALANI KAINA, ELEMENTARY SCHOOL TEACHER

Mrs. KAINA. Mr. Chairman, members of the committee, [remarks given in native tongue.]

Aloha. The Hawaiian Language Immersion program was implemented in two elementary schools during the 1987–88 school year. The program was begun at the request of parents of students who had attended the school, a Hawaiian Language Immersion program for pre-school aged children and others interested in preserving and reviving the Hawaiian language and culture.

The program was open to any kindergarten or first grade student regardless of ethnicity or language background.

The program was successful in providing a total Hawaiian language immersion experience to participating students, and by the end of the year all students had attained a functional to proficient degree of fluency in Hawaiian language. Students were instructed in language arts, mathematics, and in the content areas in the medium of Hawaiian language.

Extra assistance to the teacher in meeting the needs of two grade levels of students who entered at different levels of proficiency in Hawaiian was provided through the Hawaiian Studies program and by parents and other community volunteers.

Work sheets and some books were translated into Hawaiian, but the lack of translated and readily available materials in Hawaiian language presented a serious problem for the program implementors.

Teachers and other adults were constantly translating materials for use in daily instructions, and the provision of adequate printed materials was viewed as one of the most important needs in future program implementation.

Perhaps one way to alleviate the problem of materials would be to hire a staff of people to work on materials on a year-round basis.

There are many strengths of the program. One of the greatest strengths is parent involvement. Parents volunteer to enroll their children in this school and, therefore, are responsible for transporting their children from many parts of this island. We have children coming from Laie, Kahaluu, Honolulu, Pearl City, Makaha, and Nanakuli. They all come to our school which is located in Pearl City. For some it is a 1½-hour drive one way in the morning and a 1½-hour drive home in the afternoon.

Our parents are also very supportive by attending meetings on a monthly basis. At these meetings we discuss curriculum and other concerns of our program. Our parents also volunteer their time to come on Saturdays to cut and paste our books so that our children will have materials to use in class and at home.

Our parents also volunteer their time and enroll themselves in classes of Hawaiian language so that they can better assist their children in the education process and also in the acquisition of the Hawaiian language.

We also have the support of our administrators. From the school level, the district level, from the State level, and from the government level, we have had a lot of support and our administrators are to be highly commended for all that they do for us.

We also have a lot of community involvement. Several times throughout the year teachers from many institutions gather to work on curriculum and also the production of materials. These teachers come from the Universities of Hawaii. They come from our high schools, from our elementary schools, and also our preschools.

All of these people working together hope to benefit our children. On many occasions our parents have commented on how their children enjoy coming to school and how much they enjoy learning and are interested in learning.

As Mr. Takata has mentioned, our program at this time is very limited. We opened with two schools, and this coming fall we will have four sites, one on each of the major islands.

Many Hawaiian communities would benefit by having more immersion schools in their community not only at the pre-school level, but in the elementary schools, also.

At this time I would like to ask two children to come. [Remarks in native tongue.]

[Applause.]

Student. [Remarks in native tongue.]

[Laughter and applause.]

Student. [Remarks in native tongue.]

[Applause.]

Ms. Kaina. Kabehe just completed the kindergarten year. She entered without any prior background in Hawaiian language and has progressed beautifully this year.

This is Calee. She'll be entering the second grade.

Student. [Remarks in native tongue.]

[Applause.]

Ms. Kaina. I'd like to translate what they said. Kabehe said, My name is Kabehe Tong. I'm 6 years old. I live in Pearl City. I go to Elementary School. Some of the things that I learn in school are how to read, how to write. I learned math. And the Hawaiian language is very good.

Calee said,

My name is Calee. She is 7 years old. She goes to Elementary School and, like Kabehe, she also learns mathematics, reading, writing, phonics, physical education. She tells us that the Hawaiian language is very important, and the reason that it is important is because if we don't speak it we're going to lose it.

[Hawaiian words.]

[Applause.]

The CHAIRMAN. May I say to our young citizens on behalf of the committee, mahalo.

[Applause.]

Mr. TAKATA. Thank you, Mrs. Kaina, Calee and Tabehe.

Mr. Chairman, by the end of the sixth grade year we expect the youngsters to be fluent both in English and Hawaiian.

We would like to spend a few more minutes with Mrs. Kupuna Violet Hughes. As our chairman mentioned, the kupuna are our most vital resources. At present in our schools we have several hundred kupuna working in our classrooms on the largest Hawaiian program that we have, the Hawaiian studies program.

Kupuna Violet Hughes.

STATEMENT OF KUPUNA VIOLET HUGHES

Mrs. HUGHES. Aloha Kakahiaka Kakou.

This is the way we begin our class, in the schoolroom as kupuna. We teach the children, beginning in kindergarten.

I am Violet Hughes, one of the many Kupuna that we have in our Department of Education public education system. We are of varied backgrounds. Some of us Kūpuna have our masters, and some have bachelor's degree. Others have 12th grade diplomas and 8th grade diplomas. You can see the background is varied. We have social workers, teachers, nurses, and just plain kupuna.

And because of the varied backgrounds you might question, how come they are teaching. Well, where did they learn the concepts that they teach? They didn't get it with their bachelors or their masters degree or their high school diploma. It was at home with the kupuna, who is the transmitter of the culture. And we now find ourselves in that capacity.

Some of the very important values I must read, because I have them listed: Lokahi, harmony in life, living together with each other, not just yourself; Laulima, all hands working together for the good of all; Kuleana, each person has his responsibility regardless of where he is in life—at home, at school, in the community, and in a hearing such as this; Ike, recognize your fellow man; as well; Aloha, love, respect, give respect to mankind—all mankind; Na'oiuao, to seek knowledge; Mana'o'i'o the truth, seek the truth—

[Applause.]

Mrs. HUGHES. United States, try to settle misunderstandings by all understanding. And at this time I must say when we have Ho'oponopono, we give on both sides, and we must be willing to admit our shortcomings, each one of us.

[Applause.]

Mrs. **Hughes**. How do we take this into the classroom? We can. We have tried it, and it has worked. The kupuna has seen it work and the teachers have seen it work. The children will now greet you openly.

I taught school, you see, for many years. My children greeted me always, but not always to the other teachers. Now, as a Kupuna, they not only greet me, they greet every other kupuna, every teacher—even the principals are beginning to say, "Now we have to learn a little Hawaiian, the children are talking to us." Which is all right. Some of them know the words, they just have not internalized them, probably.

And so all of these concepts and values the kupuna learned in her upbringing with her Ohana. So the Ohana concepts are taught in the classroom. It can be used. We use it every day. We should use it more than we use it presently.

The Hawaiian in his concept also had sayings 'Oielo No'eau. And one of those that I like is, (Po'okela)-"Kulia i ka Nu'u," "Whatever you do, do it to the best of your ability." Wa'a. When you think of the canoes or mention the Wa'akauluo our kupuna who first came built these without the benefit of machinery. They were a stone-age people, and so their tools were stone. But what a beautiful job they did with their Pohoku. To come this far and not be Maka'u because they knew the stars and they could endure. That's why I think the Hawaiians, the Polynesians are survivors. There is a little bit of that still left in us.

And how do we teach these to the children? What we want to teach them is the Hawaiians found this place, have left it for us, the present, and generations, the growing children. We don't want all the trees cut because when we came there were trees. We don't want all the fish polluted out of our waters.

The Kapu system that they had was to keep people from fishing out the ocean. To let them spawn before fishing. Throw back the lobster with the eggs, because next year there will be lobsters. If you take them with the eggs, nele the next time you go, there won't be any.

The aina that we see now has been perfect. It is left for others to see. We didn't invent the Kapa I found out 2,000 years before Christ there was a "Paper Culture" in China, and it was the same thing. But, our kupuna perfected it, because they believed in Po'okela. Do your best. Find perfection.

I talked about the material things. There are also two other things I want to mention: Health—and that's so easy to get to the children right away. First you look at each other. Did you brush your teeth? Of course they all look at each other and smile so that the other can see. It is so easy. And before you know it, they are all smiling because they all learn that if they're going to smile they have to brush their teeth. And they have to 'au'au because the person behind them might be looking and see what's behind their ear. So simple, and yet so important because the Hawaiians believe in prevention, and cleanliness was the first part of it.

And it is not only cleanliness of the kino of the body, but of that spiritual thing inside that we call mana. And everyone is endowed with mana. It is what you do with that mana and this is what we want the children to learn. Take care of that inside. We all have it, regardless of color. But we are so lucky to be Hawaiians because we are aware of it. But we recognize it in those who lead us, and especially the "Keiki hanu o ka 'aina." These are those who have come and have been born here. We don't hear the term very often any more.

It used to be very common, when I was a child. The politicians would get up and say "He Keiki ha nau o Ka'Aina." We have such a person in Senator Inouye. I feel he has developed his mana to the greatest, and he has it all as aumakua told us. Everyone feels it; he has it. Not only is he spreading it, he is giving it back to us. Don't waste it.

This is the kind of thing we want to teach our children in the public school. Not just our Hawaiian children will benefit from it, but all children. And I look at this lei, and I made it with that one thing in mind—all of the flowers put together. Never mind the color scheme, just put it together. Look, it is a beautiful lei. And I want all our children, regardless of what race, to be beautiful. And when they leave Hawaii and people ask them where they are from, they will say Hawaii. How wonderful. And they are part of us, too.

Our aloha will bind us all together.

Mahalo. And this is what we expect our children to learn by the time they get through.

[Applause.]

Mr. TAKATA. Mr. Chairman, this concludes our testimony.

The CHAIRMAN. Before we ask questions, on behalf of the committee we would like to express our gratitude to kupuna Hughes and to tell her that we honor her, and to her we express our thanks and mahalo and we honor all kupunas of these islands——

[Applause.]

The CHAIRMAN [continuing]. Because our kupunas serve as the important link to the brilliance and grandeur of ancient times, and we know that through them we will once again restore that brilliance and grandeur on these islands, so to the kupunas our heartfelt mahalo.

[Applause.]

The CHAIRMAN. Before I proceed, I would hope that those who are in the corridor would demonstrate their courtesy to those of us who are in here, because with the noise back there it is difficult for some to hear the testimony.

Incidentally, there are about 12 seats in the front here. Those of you who are standing back there, if you wish to come forward and take the seats, please do so. These are nice, comfortable, soft seats. [Laughter.]

Please come forward.

I wanted to keep the doors open to permit those in the corridor to listen in and see the proceedings, but with this noise we felt it necessary to close some of the doors. When the order is restored in the back we will open the doors again.

Mr. Takata, may I ask you a few questions? For many years I have advocated establishing in our public school system a mandatory course in the study of Hawaiian history among young children in the 3d or 4th grade, and another in the 10th or 11th grade. Do we have any mandatory courses that are required of all students?

Mr. Takata. Yes, Mr. Chairman. We do have a mandatory course in the 4th grade level and also in high school.

The Chairman. What is involved in the teaching of history?

Mr. Takata. I'm not quite sure what you mean by that.

The Chairman. I ask this because not too long ago I visited the campus at Nanakuli High School, and the lack of knowledge among the children of Hawaiian ancestry was appalling to me. Less than 10 percent could identify Ka'ahumanu. They knew it was the name of a school, but beyond that they had no idea that Ka'ahumanu was the Victoria of the Pacific. They weren't aware that long before the days of Columbus navigators from the south travelled longer distances under more treacherous conditions to discover these islands. They were not aware of this grand journey that was made by the early Polynesians.

They weren't aware, for example, that many of the laws of this State relating to the environment, to the protection of animal life and plant life, came from the Hawaiians long before the days of the monarchs—as the kupuna has mentioned, the maintenance of eggs in crabs and lobsters.

And I was just wondering if we teach these things to our children, because I think it is equally important to have the Hawaiian children know about the grandeur and the brilliance of Hawaiians——

[Applause.]

The Chairman. Otherwise, the stereotype that has developed among the people of Hawaii will remain that Hawaiians are not smart, they are lazy. This is all wrong. Are we teaching non-Hawaiians about Hawaiians?

Mr. Takata. Yes, Mr. Chairman. As part of our Hawaiian Studies program in kindergarten through grade six we do have the kupuna program and, of course, the strong emphasis in the 4th grade in the history, the culture, and the language of Hawaii.

Unfortunately, we may not go in depth and to the extent that we would want to in all of our grade levels, but we hope to have a good understanding of the Hawaiian language, Hawaiian culture, and Hawaiian history by the time they finish high school.

The Chairman. Are you satisfied with the assistance you are receiving from the State?

Mr. Takata. It is happening here and there, but not throughout the system. That is one of our pleas—to provide some Federal assistance so that we can not only have good programs at certain schools, but throughout the system. And, in addition to that, we'd like to expand further the many programs that we are implementing to help all youngsters.

The Chairman. Congressman Akaka, any questions?

Mr. Akaka. Thank you very much, Mr. Chairman.

Mr. Takata, I was impressed with the testimony that you gave and also that was given by the teacher and by Kupuna Hughes. It was mentioned that these are almost isolated classrooms—in this case, two schools. Are there any plans of expanding this throughout the State of Hawaii?

Mr. Takata. Yes. With our Hawaiian Language Immersion we have the potential to have at least one school teaching the Hawaiian language in the manner that you have witnessed in every school district. And hopefully we can go beyond that in the future. Here, again, we would like to have assistance so that we can cover more youngsters who are interested and more parents who are indicating interest in the Hawaiian Language Immersion program.

As far as the Hawaiian Studies program, we have them in all of our elementary schools and all of our youngsters, regardless of whether they are Hawaiian or not, receive the same program.

But we do need—again, I want to emphasize—additional help and additional assistance. Hopefully we can get some support from the Federal Government.

Mr. AKAKA. About how many kupunas are engaged in programs in public schools at this point?

Mr. TAKATA. I think I have the figures here. We have, for 1989-1990, 3,770 classrooms. So I would think that we have about 500 kupuna involved.

Mr. AKAKA. Thank you very much, Mr. Takata. I want to urge you and the school system to continue in these programs, especially in the culture and language and history of Hawaii.

Mr. TAKATA. Thank you.

The CHAIRMAN. Congressman Blaz, do you have any questions?

Mr. BLAZ. No, sir.

The CHAIRMAN. Congressman Faleomavaega?

Mr. FALEOMAVAEGA. Yes, Mr. Chairman, I do have a couple of questions. First I would like to compliment Mr. Takata for giving a little revision about Hawaii's public school system. As a by-product of the public school system I do have a concern, and I wanted to ask Mr. Takata: when I attended Kahuku High School, the educational system in the State of Hawaii was such that the students were literally divided—subtly, supposedly—according to their intelligence. So if you were in a 9-1 class, that was supposed to be the smartest of the whole class. And when it got to 9-5, this is where the grouping was. And it had a tremendous psychological impact that was really negative, and especially——

[Applause.]

Mr. FALEOMAVAEGA. I wanted to ask if our school system still persists in doing this, because as far as I am concerned it was subtly the most racist and discriminatory form of education in our State.

[Applause.]

Mr. FALEOMAVAEGA. The point, Mr. Takata, is that if you were a student in 9-1, obviously this is where the brightest were. And if you were in the 9-5, it was a foregone conclusion that these students were literally illiterates. I really felt bad about this because it caused a lot of resentment among the students, themselves. There were divisions in a very negative way.

I just wanted to ask Mr. Takata: Do we still implement that system today?

Mr. TAKATA. Yes; unfortunately, such practices do exist, not only in Hawaii but throughout the country. Because, as many of you know, our educational system is modeled after the industrial age, which is a top-down administrative program, and we tend to test and group and segregate. That's the practice that is very common in school systems throughout the country. But as part of our educational reform we are trying to move away from some of those practices and some of the beliefs that if we segregate and teach them in different ability groups that they will learn better. We're finding out that that's not necessarily true.

We hope that we can very rapidly move away from the kind of practices that you have just described.

Mr. FALEOMAVAEGA. It is my understanding that the State of California has—and I suppose even the State of Hawaii has it—a gifted and talented program, so it should provide for those students who are very progressive in their ability to pick up the academics. But my point here is that it is very, very—it comes as a very negative impact on students. And I would dare say that most of them are Native Hawaiians, Samoans, and those who are automatically labelled by the community to be the dumbest. It just disturbs me that if this is the way our public school system is still being implemented, I have a very serious concern that this is definitely not going to help the Native Hawaiian students or any other student who really wishes to learn even if perhaps he is only a "C" average student, but mechanically just as brilliant, if not more so, than those in the smartest grouping. Do you see my problem, Mr. Takata?

Mr. TAKATA. Yes; I completely agree with you, and I think in my testimony I mentioned that we have to realize that some youngsters need more time to learn. We cannot expect the same results of all youngsters on a 6-hour or 8-hour day, 180-day schedule. Some kids will need twice as much time; some will need less time. I think in order to limit homogeneous grouping we need to bring technology into our classrooms, and make some classroom ratios smaller than what we have. We also need additional financial resources. I think that's a reality that we have to face.

Mr. FALEOMAVAEGA. I have a personal bias about our education system. In my humble opinion, the elementary school system is the most important phase in any student's education — not in high school, not in a college or university, but the elementary level. My question is basically if the State of Hawaii's educational system makes more emphasis on the elementary level, or does it do more in the high school or college level as far as resources, providing the fundamentals. I feel that any student, regardless of ethnic background, I think will have an equal chance if, in the elementary level, a student's educational pursuits are such that he is given that opportunity. I was just wondering, Mr. Takata, if the emphasis is made at the elementary level in our public school system.

Mr. TAKATA. Yes; we are putting a great deal of emphasis in the elementary level. For example, we have lowered the classroom ratios in kindergarten and first grade to one teacher to 20 youngsters. We are as close as possible to that.

We are considering the institution of pre-school programs so that we can service the 4-year-old and perhaps working with youngsters and parents at a lower age level. We have also made available additional resources that are provided to the elementary schools. At present we have 485 extra positions in our elementary schools. There is a tremendous shift in the emphasis from placing more money in the secondary schools to putting them in the elementary level.

Mr. FALEOMAVAEGA. I applaud the State's efforts, especially as it is stated in the State Constitution about the promotion of the Hawaiian language. I was just curious: is the State Department of Education selective pilot program of teaching the Hawaiian language done in areas where there are heavily populated Native Hawaiian students that can be given the opportunity? I just heard that kahuku high school is not even a participant in the Hawaiian Language program.

[Applause.]

Mr. TAKATA. Yes; we are just beginning this program. This is our third year beginning this fall, so as we move into bringing in more classrooms and training more teachers for our immersion programs we intend to have more classes available closer to home where our Hawaiians live.

Mr. FALEOMAVAEGA. Is the Hawaiian language being taught at Kamehameha School?

Mr. TAKATA. Yes.

Mr. FALEOMAVAEGA. So over the years they have developed an excellent curriculum in teaching the Hawaiian language. Is the DOE adopting that curriculum development of the Hawaiian language?

Mr. TAKATA. I think in the elementary schools with the Hawaiian Language Immersion program we are actually taking the lead. We are developing curriculum at the department level with input from community, resources from the University of Hawaii, and community colleges.

Mr. FALEOMAVAEGA. Thank you, Mr. Chairman. Thank you, Mr. Takata.

The CHAIRMAN. Thank you very much.

About 4 years ago I was visited by a school teacher from Kamehameha Elementary School, and she told me a strange story. She said, "I'm not an expert, but I swear that many of my Native Hawaiian children are deaf." So I called upon Pinky Thompson, one of the trustees of the Bishop Estate, and suggested that maybe they could use some of their money to look into this matter. They made a study of 4-year-old Native Hawaiian children—this was about 3 years ago— and the results were startling and awesome.

Sixty percent of those 4-year-old Native Hawaiian children had measurable hearing losses—the worst in this nation. And today we find that about 70 percent of our Native Hawaiian students have measurable hearing losses, which would mean that over the years teachers who are not trained to deal with the deaf may have looked upon these kids as being lazy, not paying attention, and as not caring about what was going on in the classroom.

As a result of these findings, as a trustee of the Gallaudet University, the foremost university for the deaf in the world, I contacted Gallaudet and they established in our system here a special branch of the Gallaudet University to teach our teachers how to recognize deaf students and what to do when they do. The program was just started 1 year ago, and we hope that it will get to the stage where it will make a difference.

It is unconscionable that seventy percent of our children have measurable hearing losses. Are we urging our teachers to go through this Gallaudet course?

Mr. TAKATA. Mr. Chairman, we do have plans to establish a sensory impaired assessment center at Hawaii School for Deaf and Blind. Beginning this fall we are going to have a small program in operation, but we do have also programs that are available for our teachers to go to for instruction, but nowhere close to what you may have in mind. My remarks are primarily related to youngsters who are already in our program. Those are essentially the kindergartners and older youngsters.

But I think I mentioned to you earlier in my testimony that we do have special education pre-kindergarten programs. Those are youngsters who have been identified as hearing impaired or visually impaired or in need of special education. So we are identifying more and more of those youngsters beginning at age three.

The CHAIRMAN. I thank you very much, Mr. Takata. Your testimony will be extremely helpful to us. Thank you.

Mr. TAKATA. Thank you very much.

[Applause.]

The CHAIRMAN. It is my great pleasure to call upon the President of the University of Hawaii, Dr. Albert Simone.

STATEMENT OF ALBERT SIMONE, PRESIDENT, UNIVERSITY OF HAWAII, HONOLULU, HI

Mr. SIMONE. I was wondering how they selected me to be fared after the Governor and then after the Department of Education. After witnessing the kupuna and the two lovely children I know that this is the hardest act to follow, so they picked me to do it. [Laughter.]

That's because I missed the last meeting, I guess.

But, in any event, Mr. Chairman and good friends and members of the committee, thank you for the opportunity to provide testimony on the University of Hawaii and our programs, particularly those that address the special interests and needs of the Hawaiian students and the Hawaiian community.

First, for orientation, a few words about the University of Hawaii. The university is a multi-campus system. There are nine campuses. The Manoa campus on the island of Oahu is the major comprehensive research campus, with more than 18,000 students. It offers course work leading to the bachelor's degrees in 88 fields of study, master's degrees in 84 fields, doctorates—primarily the Ph.D.—in 49 fields, first professional degrees in law and in medicine, and a number of special certificates.

An additional baccalaureate college serving 600 students is located on West Oahu. It's an upper-division college only. Six community colleges on the islands of Oahu, Kauai, and Maui are organized as a subunit within the university and they have a total enrollment of 20,000 students, half of whom are in vocational education programs.

The community colleges offer numerous certificates and 2-year programs in liberal studies and the vocational programs I just mentioned.

In addition, on the Island of Hawaii we have a 4-year college that has a community college as part of it with a combined enrollment of approximately 3,600 students.

The University of Hawaii is the only public institution of higher education in the State. It is unique in that way. This means the University has the responsibility to provide residents access to higher education and to address State concerns where appropriate.

A commitment by the University of Hawaii to excellence in Hawaiian studies and access to higher education for Hawaiians are integral parts of its mission in the areas of teaching, research, and service. That commitment is implicit in the strategic plan of the University, which has a number of statements to that end.

In 1986—now to get to some of the Hawaiian programs—the University reaffirmed its special obligation to Hawaiians by appointing Hawaiian faculty and staff representing each of the nine campuses to a system-wide task force to assess the University's current offerings for Hawaiian students, to identify problems in those areas, and to recommend possible solutions to those problems. This is a unique effort in that for the first time we appointed a special task force made up of Hawaiians only. There are a number of people throughout the campuses who are non-Hawaiians who also work in Hawaiian studies, but we set aside the work of this particular task force for the people of Hawaiian ancestry.

The task force report that emerged, Ka'u, addressed problems related to student recruitment and retention, curriculum and instruction, research, faculty development, community outreach, and facilities. The task force stated that as the sole public institution of higher education in the State of Hawaii, the university, "bears a major responsibility for the perpetuation of Hawaiian culture and language through research, instruction, and community service. Hawaii is the home base for Hawaiian studies. This fact, alone, establishes why Hawaiian studies makes the University of Hawaii unique among all other universities and colleges of the world."

A critical area of concern highlighted by the UH Hawaiian Studies Task Force is the severe under-representation and poor graduation rates of Hawaiian students. At the overall University of Hawaii system level, Hawaiians account for 9 percent of the student enrollment. This is substantial under-representation in comparison to the proportion of the State's population, which is 21 percent, the proportion of the population 15 years of age to 24 years of age, which is 23 percent, and to the proportion of public school students, which is 20 percent. Again, the enrollment level at the University is 9 percent.

Some improvements, however, have occurred over time. Since 1977, Hawaiian enrollment in the University system has increased from over 1,500 to almost 4,000. That's from a 4 percent rate to the 9 percent rate I just stated. At the University of Hawaii at Hilo on the Big Island, Hawaiians have their greatest proportional representation at 18 percent.

However, much more, of course, remains to be done. Hawaiians have their lowest representation at the Manoa campus, where it is 5 percent. That's the flagship campus of the system. I guess that says something. Hawaiians are also not well represented in the six community colleges, although they do better than at Manoa. They represent 11 percent of the population there.

Very few Hawaiians transfer from the community colleges to the Manoa campus. That's another problem.

A recent University of Hawaii study shows that Hawaiians have higher attrition rates, proportionally greater academic difficulty—there is a high proportion on probation, suspension, and dismissal—and lower cumulative grade point averages than other students at the Manoa campus.

The study found that the Hawaiians had substantially lower graduation rates from Manoa than other students did. The Hawaiian graduation rate was around 27 percent, and it is around 50 percent for the student body as a whole. And they require a longer period of matriculation than other students. It is more than 5 years.

State, Federal, and private efforts are actively addressing this serious problem of under-representation of Hawaiians in higher education. I will touch on a number of these programs, and I am glad to state that some progress is being made. However, it is clear that much more needs to be done by the university, and that university efforts must be in partnership with lower education programs, community groups, and State and Federal agencies.

Although there are many individual faculty and various schools that provide research, training, and community service to Hawaiians and the Hawaiian community—we can find these in our colleges of arts and sciences, agriculture, law, medicine, anthropology, general student support programs, and so on—nonetheless, the programs that I will describe are more specific to the Hawaiian concerns, especially the ones I have just mentioned. I'll do it by campus groupings.

First I'll address the Manoa campus, which is the largest single campus. The centerpiece of our provision of services to Hawaiians on the Manoa campus is the new Center for Hawaiian Studies. The mission of the UH-Manoa Center for Hawaiian Studies is,

> To achieve and maintain excellence in the pursuit of knowledge concerning the Native people of Hawaii, their origin, history, culture, language, literature, religion, arts, and sciences; their interactions with their oceanic and insular environment and other peoples; and to reveal, disseminate, and apply this knowledge for the betterment of all peoples.

Established as the Hawaiian Studies Program in 1970, the Center was made a part of the new School of Hawaiian, Asian, and Pacific Studies in 1987. It is a small but rapidly expanding program that offers courses to approximately 100 to 200 students each semester and awards a baccalaureate degree in Hawaiian studies.

The Center offers an interdisciplinary Hawaiian studies program in which 23 students are currently declared majors. The program of study focuses on Hawaiian culture and historical-political changes from the Hawaiian point of view. Future goals for the program include the offering of graduate degrees—a master's degree and plans for a Ph.D. degree. The Center is developing a comprehensive research program focusing on Hawaiian oral traditions, original translations, and the development of curriculum materials for Hawaiian language instruction.

In order for the Center to achieve these goals it is necessary that construction of its proposed facilities complex on the Manoa campus be completed. State funds—$2.5 million—have been appropriated, and Senator Inouye has been contacted to assist the University to obtain Federal matching contributions for the Hawaiian studies building complex.

A new student support program, Operation Kua'ana, provides recruitment and retention services for Hawaiian students at the Manoa campus. This State-funded program administers a community college transfer to Manoa project—I mentioned earlier that that rate is low—and also a State tuition waiver program for Hawaiian students.

The Center is presently the recipient, in addition, of a three-year, $150,000 Federal grant from the U.S. Department of Education Fund for the Improvement of Post-Secondary Education. The objectives of the Hawaiian Language project are to train Hawaiian language immersion teachers and to locate, develop, and disseminate Hawaiian language curriculum materials.

By assisting with efforts to alleviate the shortage of Hawaiian language immersion teachers, the University addresses its obligation to meet the teaching needs of the community and to perpetuate Hawaiian culture and language. This project is an excellent example of collaboration among the Federal Government, the State government, the State Department of Education, a private agency—Punana Leo pre-schools—and the university.

In addition to programs in the Center, the Manoa campus has various affirmative action programs in its constituent units. An exemplary program funded federally since 1973 by the U.S. Department of Health and Human Services Division of Disadvantaged Assistance is the Imi Ho'ola program. The program is an intensive year in basic pre-medical science for students primarily from groups under-represented in medicine and who are from disadvantaged backgrounds. A total of 23 Hawaiian Imi Ho'ola students have already graduated from the UH medical school. It is clear that 23 additional Hawaiian physicians would not have been graduated without this program.

Now we turn to the campus at Hilo on the Big Island. On the UH-Hilo campus, the Hawaiian Studies program distinguishes itself through its strong emphasis on Hawaiian language. Indeed, the Hilo Hawaiian Studies Department boasts that it is the most developed program at any State university in the United States focusing on a specific indigenous language of a country, teaching its performing arts and literature in the original language. Enrollments in Hawaiian at UH-Hilo have now exceeded those in Japanese, which was formerly the language with the largest enrollment on campus.

Currently, there are more than 20 declared Hawaiian studies majors at UH-Hilo, with fall enrollment of 320 students in department-taught courses. Besides the major, the department offers a minor and community service-oriented certificates in Hawaiian language and Hawaiian culture.

UH-Hilo has a tradition of commitment to Hawaiians, a Hawaiian studies faculty committed to service to Hawaiian students and to the Hawaiian community, and the highest percentage of faculty of Hawaiian ancestry at any campus in the UH system. The representation of Hawaiians in the Hilo student body has increased from 8 percent in the mid 1970's to, as I indicated before, 18 percent in 1988, and this is the highest proportional representation of Hawaiians on any campus in the University of Hawaii system. A large part of this increase I believe can be attributed to the culturally relevant Hawaiian leadership student support program at Hilo where our students of Hawaiian ancestry are selected and worked with from the point of view of developing their leadership potential.

The Hilo campus has been awarded a grant of $790,000 for fiscal year 1989 by the U.S. Department of Education for the purpose of establishing a center for gifted and talented Native Hawaiian children in grades K through 12, and developing a series of demonstration projects designed first to address the special needs of Native Hawaiian elementary and secondary school students who are gifted and talented and, second, to provide appropriate support services to their families to enable such students to benefit from the projects. I guess this is a follow-on from the previous discussion.

The program is authorized through the Augustus F. Hawkins-Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988. The gifted and talented project is one of five projects funded under this authorization whose purpose is to raise the education status of Hawaiians.

Now for the community colleges. Offerings at the community college campuses—there are six community college campuses—their offerings in Hawaiian studies, Hawaii language, and special student services for Hawaiians vary widely across the campuses, as does the representation of Hawaiian students on those campuses. While some campuses have full-time Hawaiian studies and/or Hawaiian language faculty, others offer courses by lecturers only with no permanent faculty in the Hawaiian-related fields.

One special program designed to benefit Hawaiians, which is available on almost every community college campus, is the Native Hawaiian Vocational Education Retention Project. Funded through a special set aside to the Carl Perkins Act, the retention project is designed to increase the enrollment, retention, and completion rates of Hawaiian post-secondary vocational educational students through a combination of data collection and analysis, research, and student services programs. The Office of the Chancellor for Community Colleges receives approximately $500,000 per year in federal funds administered by Alu Like, Inc. to operate the retention program.

The University of Hawaii is committed to serving the Hawaiian community and will continue to provide quality programs with State funds. In addition, we are actively seeking additional Federal support. For example, we will be submitting a research proposal in the area of Hawaiian mental health prevention and also cancer research.

We will resubmit our proposal for Patricia Roberts Harris minority graduate fellowships funded by the U.S. Department of Education. The Manoa campus missed by only one point being funded this last year.

We will be working closely with the Kamehameha Schools to assure that Hawaiian students interested in attending the University of Hawaii benefit from the $1.4 million Higher Education Demonstration Program awarded to the Kamehameha Schools. In fact, we would like to look into the possibility of directly applying for these kinds of funds.

We have asked Senator Inouye to assist the University in obtaining Federal funds, as indicated before, to match State funds for the proposed Hawaiian Studies Center at the Manoa campus.

The University of Hawaii seeks to work in collaboration with Federal agencies to improve and expand our educational services to the Hawaiian community. We need more Federal assistance to adequately meet the many research and training needs of the Hawaiian community.

I will conclude my testimony with a quotation from the preface of the Ka-u University of Hawaii, Hawaiian Studies report,

> An expanded commitment to the Hawaiian community by the University of Hawaii will have far-reaching benefits for the Hawaiian people and for the entire State of Hawaii. The University can contribute to scholarly thought in the arts and sciences, as well as make important contributions to the everyday life of all races who live in Hawaii, but especially for the native people of this land.

Thank you very much for this opportunity to testify.

[Applause.]

[Prepared statement of Mr. Simone appears in appendix.]

The CHAIRMAN. Can you tell me how many Native Hawaiians are on your faculty?

Mr. SIMONE. Yes; the Ka'u Report, which represents an investigation of the situation and possible progress on all campuses, has a ten-year plan and a time table, with a strategic plan to implement that. It includes a statement of the kinds of programs we would like to offer, a listing of the courses that would be part of those programs. It has projections for student enrollments: students who might major or minor at different levels. We could make that available, but it has a 2-, 3-, 5-year, up to a 10-year planning horizon.

I must admit that these are all relatively recent phenomena within the last 3 years or so. We decided to make a conscious effort about 4 years ago, starting pretty much from scratch. There are a number of Hawaiians and non-Hawaiians who are interested in Hawaiian issues, but they were isolated. They were almost randomly distributed, doing their own thing their own way without a great deal of communication. So our first effort was to bring them together so there could be a coordination to persuade them—and we're still working on that—that we are sincere and that there would be concerted efforts made. Then plans were developed and now we are trying to implement them. So we're still in the planning stage in some phases and the early implementation of beginning plans.

The CHAIRMAN. I have been told of one of the success stories that involves the medical school. What percentage of your graduates were Native Hawaiians?

Mr. SIMONE. I use a figure here of 23. There are other figures that sometimes show 50. But the percentage is small. The success of that program—it has been going on, as you know, for a number of years—I would guess eight years. Maybe you know better than I, but a long time. The true success of that story is that students who would not otherwise be admissable, or who, if they were admitted, would probably flunk out, are brought in during that first pre-year and are worked with individually on a tutoring-kind of basis. Their potential is developed, and their weaknesses identified. And after that first year, they are fully qualified to succeed. And then we stick with them for the next four years.

The graduation rate for those students—I'm guessing—is in the 90-plus range. They almost all graduate.

I don't know the exact percentage of graduates in that school that are of Hawaiian heritage as a result of that program. It is still a small percentage, though. We are very happy with the results, but the numbers are small. It has got to be 2 or 3 percent, or something like that—a small number.

The CHAIRMAN. Thank you very much.

Congressman Akaka.

Mr. AKAKA. Thank you very much, Mr. Chairman.

President Simone, I'm glad to hear of the progress that has been made along the lines of Hawaiian studies and the effort that is being made to assist Hawaiian students. I'm also grateful that there is a Haumana program there. That has been very helpful to Hawaiian students.

Is there any possibility of expanding that program or initiating another program that would help students in other areas of the University of Hawaii?

Mr. SIMONE. Absolutely. In fact, we do have a version of that program, a very close copy, in the law school where, again, they will take a student from Pacific Island nations, as well as minority groups in Hawaii—which we define as Hawaiians and Filipinos primarily, and Samoans—and work with them for 1 year prior to entering the regular law program. It is exactly the same theory and model as the medical school program. That is already working.

But we could certainly do this in almost any program. We could do it, for example, in the professional schools—engineering or business—and we would be very, very happy to develop a model.

Mr. AKAKA. I was also thinking about agriculture.

Mr. SIMONE. Yes; in agriculture also, of course. Yes. These are all programs where we have full-fledged graduate work, and it would be quite possible.

Mr. AKAKA. Also, I think of the sciences. As was mentioned earlier, many people do not think of the Hawaiians or the ancient Hawaiians as being experts and scientists. And yet, for them to travel all of those thousands of miles they had to know the heavens. And the navigational method that they developed tells us that the Hawaiians were highly scientific. I'm hoping that we can also do that in that area of astronomy and other scientific areas.

Mr. SIMONE. Yes, we have two programs that I did not mention. There is one on the Hilo campus where they take minority students—this includes Hawaiians—In fact, I think the majority of them are Hawaiians—in a medical technology program. It is a special program. And, as a consequence of working through that program, a number of these people have gone on to get their bachelor's degree and have gone on to medical school here or elsewhere as a result of the incentive that they received in that specially-funded special medical technology program.

We also have sort of a research institute, the Pacific Biomedical Research Institute, a minority research program for undergraduate students. It is a Federally-funded program of several hundred thousand dollars a year. We have had it now for several years. I happen to be the principal investigator on it. What we do is take undergraduate students who are interested in medical research and assign them to laboratories on research projects working with Ph.D. students and faculty as part of their undergraduate experience. They receive pay for doing that, plus a grant, plus their tuition. So it is a very attractive financial package for them. It is an incentive for them to continue on in that field, and a number of them have gone on now and are planning to go on to Ph.D. level work in the medical sciences.

Mr. Akaka. Thank you very much Doctor Simone.

Thank you Mr. Chairman.

The Chairman. Delegate Blaz.

Mr. Blaz. I just have one question, Doctor. Your emphasis has been on representation in the student body. How about representation in the faculty?

Mr. Simone. It is relatively small. It is very low. In fact, even in our Center for Hawaiian Studies on the Manoa Campus we would love to staff the department with people of Hawaiian ancestry. There aren't that many from whom we can select on the campus or even in the country. It is the same story that we have heard in how you start is how you finish kind of a thing. As you try to—for example, we get criticized sometimes for not having enough women in upper administration, but the pool from which we draw right now is not as full as it is with men because of the history. And because there haven't been, over the years, that many individuals of Hawaiian ancestry going on for doctoral work in whatever field, there aren't that many in the pool from which we can draw.

I will point out, though, that faculty of Hawaiian ancestry that we do have at the university are outstanding. They have doctorate degrees from the best universities. They have distinguished records. One of them holds an endowed chair in a department of botany. We do have some outstanding people on the faculty of Hawaiian ancestry, but they are very, very small numbers, and the reason is that there aren't that many in the pool because there haven't been that many that have actually gone to college, gone on and got a graduate degree, and then started to go on into teaching.

We are constantly trying to encourage people to do that so that the pool will be greater in the future. But we're talking down the road a good number of years before that pool fills up so that we can draw on people. And a number of the people of Hawaiian ancestry are interested in their own disciplines; they are not necessarily interested in Hawaiian studies. So we have people in the field of medicine or botany, as I mentioned, and other areas who do not teach Hawaiian studies per se, but are working in their own discipline. But the numbers are very small on our campus. I suppose they are larger than any other university campus. They are much less than 1 percent.

Mr. Blaz. Thank you, sir.

Mr. Faleomavaega. Mr. Chairman, I do have a couple of questions.

President Simone, I appreciate your testimony. You were saying earlier that it is 1 percent of the members of the faculty that make up Hawaiian——

Mr. SIMONE. That's a guess. I could get you the exact number, but my guess would be in that range

I'm sure you have probably heard of the adage that if you give a man a fish he can only live 1 day, but if you teach him how to fish he'll live for the rest of his life.

Mr. FALEOMAVAEGA. My question about it, Mr. Simone, is: In your basic outlook and philosophy, would you consider education to be the most important issue relevant to the needs of Native Hawaiians in our State?

Mr. SIMONE. I'll make a statement, but I have to preamble it by saying I might be biased. I think, in terms of many of the issues of this State, especially Hawaiian studies, perhaps the most important institution is the educational system—lower and higher. And if we're talking about opportunities of social mobility, for economic well-being, for enhancement of the standard of living, so many times the opportunities are created through education. The entry level on the union card is a degree. It might be a high school certificate. It might be a bachelor's degree. It might be a doctorate degree. You can only achieve that through education.

It is not just higher education. It is total education. The students that we get at the University come through the Department of Education. And on your point, Doctor Ernie Boyer, head of the Carnegie Foundation and the former U.S. Commissioner of Education, when he was here in our dining room for breakfast, made the statement that the primary grades are most important group to educate and where most of the resources should go. He said the most important teachers were the elementary school teachers, and they should be receiving in many ways the most money—we were talking about salaries—because their job is the most important, because how a student starts is many times how they finish. You've got to get them started right.

So I would say, in my view, if you wanted to help the Hawaiian most in Hawaii, the best way to do it—there are so many things you have to do, health and everything else, and jobs—education is the key to all of that. The most important, I think, would be at the lower end so that the upper end can be fed.

Mr. FALEOMAVAEGA. I understand, but just for the record I wanted to be clear. My good friend Mr. Takata, this is not a negative implication on the administration, it is just that I was curious about what has happened over the years, whoever's administration, with the philosophy behind the whole educational system. Public school system gives you the kinds of results that you were talking about with the task force. I could have told you that 30 years ago as a student at Kahuku High School. We're studying something that has already been known for how many years? And so we go ahead and make another study to prove that the Hawaiians——

[Applause.]

Mr. FALEOMAVAEGA. To get an education? I think we all know that. I'm just curious if under your administration at the University of Hawaii you are making every effort to reach out and to see that the needs of the Native Hawaiian students are met and that we clear some of these deficiencies, not because they are bad or that they are inherently less intelligent. It's the fact that they were never given the tools to begin with.

[Applause.]

Mr. FALEOMAVAEGA. So at the lower level my concern is that perhaps the University of Hawaii does have a close working program with the Department of Education through our public school system, because they cannot all go into Kamehameha School, but then they are then subject to the public high schools and elementary schools that are just as important. And I'm just concerned.

You mentioned earlier about this Native Hawaiian Cultural Studies Center that you are going to establish, and you mentioned also that you said you are going to have a Native Hawaiian point of view. I'm curious. I happened to hear one of the greatest authors and authorities on Native Hawaiian history, Mrs. Mary Kawena Pukui.

Mr. SIMONE. We have several scholarships. We do offer scholarships in her name.

Mr. FALEOMAVAEGA. Thank you. I just wanted to make sure.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you very much, President Simone.

Mr. SIMONE. Thank you very much.

The CHAIRMAN. You have been helpful.

Mr. SIMONE. Thank you.

The CHAIRMAN. Before we proceed with the next witness I would like to acknowledge the special assistance and contribution made by certain people this morning and to express to them our deep aloha.

First, Pearl Ulu Gammon daughter of Aunty Edith Kanaka'ole for her special chant. And to Reverend Leon Sterling for his extraordinary pule, the invocation of this day. And to the trustees of the Office of Hawaiian Affairs for the leis. We appreciate this all very much. We thank you.

[Applause.]

The CHAIRMAN. Now I am pleased to call upon the former Executive Director of Alu Like and now the Director of Human Services of the State of Hawaii, The Honorable Winona Rubin.

[Applause.]

STATEMENT OF WINONA RUBIN, DIRECTOR, HUMAN SERVICES, HONOLULU, HI

Ms. RUBIN. Mr. Chairman and members of the committee, aloha kakou.

[Chorus of aloha.]

Ms. RUBIN. I am Winona Kealamapuana Ellis Rubin, Director of the Department of Human Services.

The State Department of Human Services assists those persons who have special needs through its three divisions— Family and Adult Services, Health Care Administration, and Vocational Rehabilitation and Services to the Blind, as well as through the administratively attached Hawaii Housing Authority. The Department serves approximately 21,000 Hawaiians through existing statewide programs.

Data included in appendices A, B, and C of my testimony points out that approximately one out of every three, or 30 percent, of the approximately 14,000 adults on Aid to Families with Dependent Children—AFDC—are Hawaiian.

There are high concentrations of Hawaiians being served by the department on Molokai; in Keaukaha-Waiakea and Waimea-Kohala on the Island of Hawaii; and in Waimanalo, Waianae and Ko'olauloa on Oahu—areas which parallel that of Hawaiian homestead communities and which have limited job opportunities and resources.

The Hawaiian Home Lands waiting list may contain many Hawaiians who are homeless, live in overcrowded circumstances, or are on public housing waiting lists.

The number and concentration of Hawaiians in department programs has implications for the department's implementation of welfare reform in those communities. It will require an understanding of cultural, economic, and other influences, including family living patterns, quality of life values, and the range of employment opportunities available.

The department has been cooperating with agencies such as Alu Like on the Native Hawaiian Elderly Needs Assessment and Project Success employment training and placement program.

Through Native American legislation, under your leadership, Mr. Chairman, Congress has acknowledged that Hawaiians, as Native Americans, have significant needs for which Federal funds should be made available. Some funds have been designed for Hawaiians in the older American, health, and education legislation. Federal assistance is necessary for Hawaiians in human services and housing to begin to make a difference in these areas, also.

We request your favorable consideration of Federal funds to provide: First, a statewide program promoting outreach social workers and aides for elders and families in homesteads to meet special social support needs.

Second, culturally appropriate home based intervention services as a pre-placement preventive service to reduce out-of-home placement of Hawaiian children.

Third, emergency and transitional shelters, especially for elders of families with children who are on wait lists for public housing/rental assistance and unable to secure safe shelter.

Fourth, additional Housing and Urban Development—HUD—section eight vouchers to meet assistance needs.

Fifth, additional Federal child abuse and neglect demonstration funds for the State to explore innovative and culturally responsive approaches to address family stress and violence.

Sixth, stipends to allow those seeking pre- and post-professional educational field placement expenses to be able to serve in the homestead communities.

Seven, training funds to encourage low income Hawaiian individuals to pursue a human service career.

Federal funds can help to make the difference in addressing the needs of Hawaiian, and we would like very much to work with your staff in making these things happen. We urge your favorable action in providing these Federal Government resources.

Mahalo.

[Applause.]

[Prepared statement of Ms. Rubin appears in appendix.]

The **CHAIRMAN**. Thank you very much, Mrs. Rubin. As we have in the past, we will continue to do what we can to provide whatever Federal assistance is necessary.

Congressman Akaka.

Mr. **AKAKA**. Thank you very much, Mr. Chairman.

I understand that you have been focusing on the Hawaiians in the areas of the Hawaiian Home Lands area.

Ms. **RUBIN**. Our concentration?

Mr. **AKAKA**. Yes; in that area. I'm impressed with the programs that you have in place in helping them. My question is: what about Hawaiians outside of the Hawaiian Home Lands area? Is there a method of process for an information system that would reach these types of Hawaiians?

Ms. **RUBIN**. There is no special effort being made to reach those Hawaiians out in the community other than our usual efforts. I think that the most effective means of communications with the Hawaiian community statewide is the person-to-person contact. And certainly efforts are made to be in contact with people who are leaders within the community who then can get the word out through their own, 'ohana network.

Mr. **AKAKA**. Thank you very much, Mr. Chairman.

The **CHAIRMAN**. Thank you.

Delegate Blaz.

Mr. **BLAZ**. I have no questions.

The **CHAIRMAN**. Eni.

Mr. **FALEOMAVAEGA**. Mr. Chairman, I just want to commend Mrs. Rubin for her statement. It has been my privilege to know her over the years. She is one of the most outstanding leaders of Hawaiian ancestry. I admire her.

[Applause.]

The **CHAIRMAN**. They seem to love you.

[Applause.]

Ms. **RUBIN**. Thank you.

The **CHAIRMAN**. Thank you very much, Winona.

Ms. **RUBIN**. Thank you, Mr. Chairman.

The **CHAIRMAN**. And now I wish to call upon the Director of the Hawaii State Department of Health, Dr. John Lewin.

STATEMENT OF DR. JOHN LEWIN, DIRECTOR, HAWAII STATE DEPARTMENT OF HEALTH, HONOLULU, HI

Dr. **LEWIN**. Senator Inouye, Congressmen Akaka, Blaz, and Faleomavaega, aloha and good morning.

It really is a pleasure to have this opportunity today to testify before you and to bring to you some of the actions and plans of the Department of Health with regard to the health of Hawaiians, but also to relate some of the history and some of the problems of the present.

By the time Congress passed the Hawaiian Homes Commission Act in 1921, many profound changes had already negatively influenced the health of the aboriginal descendants of these islands. The sophisticated civilization which existed in 1778 at the time of the arrival of Captain Cook had a population estimated to be at least 300,000 to 500,000 people. That number had decreased by over 95 percent to less than 18,000 people after the overthrow of the Hawaiian monarchy in the late 1800's.

The Hawaiians, true enough, were immunologically unprepared to cope with the barrage of infectious diseases, plagues, and pestilence that came to them with the arrival of the outside cultures, and this clearly contributed significantly to the drastic reduction in numbers. However, this depopulation could not be attributed solely to the exposure to foreign disease to these people who had otherwise been living for 500 years or more in isolation from the rest of the planet. In fact, acculturation brought drastic changes to their whole way of life: to their diet, to their traditional religious and healing practices, to the economy which they knew and practiced, to their whole way of life.

As the Hawaiians gave up their rich culture, many facets of what was highly sophisticated existence began to disappear. The response to this loss is really what has taken hold in the physical and mental collapse and symptoms of disease and so forth which currently prevails throughout their society.

Today, we address a crisis in the health of the Hawaiians of the present and make some suggestions about solutions that are needed.

The State of Hawaii today enjoys the highest health status of all the American states. We have the greatest longevity of all the States, the lowest incidence of heart attacks and heart disease, the lowest overall incidence of cancer, emphysema, and obesity. We are among the best in the top 20 health objectives of the nation.

We have the lowest incidence per capita of acute hospital beds and long-term care beds per capita. And yet, included among these impressive statistics, one-fifth of our people, the Hawaiian people, have just about the worse health status of any ethnic group in the United States of America.

The population of Hawaii is estimated to be 1,022,000 people, of which 211,189 residents are of Hawaiian ancestry. Thus, the Hawaiians are close to 21 percent of our present State population. In terms of their health status, the tragic statistics of Hawaiian health in relation to the other population groups speak for themselves.

The Hawaiians experience the shortest life expectancy of about 74 years, while all other groups are approaching 80 or more years in life expectancy; death rate 146 percent higher than U.S. all race populations rates; death rate 126 percent higher for all cancers compared to U.S. all races; death rate 145 percent higher for cerebrovascular diseases—strokes, in other words; death rates 588 percent higher for diabetes and related conditions for all U.S. populations; highest death rate from high blood pressure for men; highest death rate from stroke for men; highest lung cancer rate in the world; highest prevalence rate for diabetes and heart disease and hypertension in women; highest rates of infant mortality, congenital abnormalities, and low birth weight for infants; highest in receiving late or no prenatal care, for consuming alcohol and drugs and smoking during pregnancy, and complications of pregnancy; under-utilization prevention among participation in health promotion, prevention activities—definitely they are the highest in the State of Hawaii; over-representation in our State in terms of the use of mental health facilities and services, or need for; under-representation to access Medicare and regular medical insurance, and over-representation in terms of being enrollees of Medicaid.

If you look at the top 20 factors that the Surgeon General lays out as our national health objectives and compare them in Hawaii, which does so well, the Hawaiians come out at the bottom of the list in those objectives.

This sad litany of problems has been responded to by the Congress with the passage of the Native Hawaiian Health Care Act of 1988, an act which will hopefully direct nearly $20 million in the next 3 years to address the defined health needs of the Hawaiians.

However, much is being done for the health of Hawaiians entirely at the State's expense, which I wish to share with you in part today. But without significantly increased Federal assistance consistent with Federal commitments to the health of other indigenous peoples in the United States, our goals will be difficult, indeed, to achieve.

The Hawaii State Department of Health provides many public health services to Hawaiians. We are a centralized Department, and we have an annual budget of $277 million in fiscal year 1990 and almost 6,000 employees. With these funds we provide acute and long-term care hospitalization for many of our neighbor island residents, mental health services, developmental disability services, maternal and child health, ambulance, EMS, environmental protection—the list goes on and on and on. Over 80 major service areas in the department.

We cannot pretend that these services are targeted directly to Hawaiians, but I have been able to estimate that about $63 million of that $277 million in the programmatic funds, or 23 percent of the total, are funds that are serving Hawaiian people specifically. Now, of that $63 million, $60 million represents exclusive State funding, so there is not a great amount of Federal funds in that portion that would be matching funds.

Our growing concern has been that these funds appropriated for health services to under-served populations in Hawaii are not impacting the problem effectively. Our services historically have not been culturally sensitive and they haven't been accepted. So many of our past efforts really were unsuccessful, frankly.

Our new efforts are redirecting these kinds of funds and targeting them to more measurable indicators of health status of Hawaiians. We are into an effort now that is committing ourselves to new programs which are self-determined by Hawaiian community leaders and Hawaiian health professionals in terms of having their input in the design, development, and planning.

We want the services, therefore, to be accessible, affordable, and culturally appropriate. Recalling that some of the findings of the E Ola Mau Hawaiian Health Study revealed that Hawaiians underutilize existing services, we are changing the orientation to increased sensitivity to Hawaiian cultural values. In other words, we're trying to have our program fit more into Hawaiian cultural values and traditions than the opposite, which has been the past approach.

Governor Waihee supported the development of an Office of Hawaiian Health, a key part of my Director's Office in the Department of Health, which was created in February of this year. This office is now the key agency in the massive Department of Health to focus and coordinate the prevention and promotion activities in the department, and also to assure that access is obtained for Hawaiians in all of our services.

The Director of the office, Fern Clark, a Hawaiian health professional herself, sits on the Papa Ola Lokahi board, the Native Hawaiian Health Care Act Hawaiian health board, to guide and direct the allocating of associated Federal funds in that program and to coordinate our department in being able to work with the Hawaiian community to make that program work effectively.

We sit on a whole bunch of inter-agency boards through that office. The office will play a vital role in ensuring that Hawaiians receive due benefits from all insurance and access programs.

As you may know—and I'm sure that our Senator and Congressmen here are aware—Hawaii is the first State in the United States to guarantee access to health insurance for all citizens, and we will have accomplished that access in 1990. And that really is important. We're saying in Hawaii—as I believe we should all across America—that access to basic health services is a right of all people.

Many of the citizens in the remaining gap group who these new services will reach are Hawaiian people. So the State health insurance program is certainly going to be a major improvement in terms of providing some of these services.

We also mandated mental health and substance abuse insurance by legislation sponsored by the department and others, and that will also extend these kinds of services for all insured and will serve Native Hawaiian people in our State.

Both of these kinds of access programs, and others that we plan, are going to help the Hawaiians who are over-represented among those who are ineligible for the services at the present time. And, in fact, the State Health Insurance Program will be a source of financing for the Native Hawaiian Health Centers.

The Office of Hawaiian Health Director also acts as liaison to the National Cancer Institute and has been assisting in the development of a Native Hawaiian Cancer Research Center in Hawaii to focus on the obvious problem with high incidence of cancer among Hawaiian people.

The Office of Hawaiian Health has grown out of a program which started 2 years ago, the Native Hawaiian Health Task Force, in the Department of Health, in which people from each of our divisions, our programs, our Neighbor Islands, and so forth, represent to me issues and concerns of Native Hawaiians relating to health. This group got together the employees in the Department of Health of Hawaiian ancestry. More than 800 employees showed up at a conference in which—these were DOH employees who came to look at planning from a community level the way our department can barefoot doctor changes at the community level by organizing even off-hours, weekends, and other activities that may be necessary to get communities ready to really utilize the funds that Congress is preparing to award to the State of Hawaii for this purpose.

We have already started generating planning committees and a whole bunch of focus activities in the department around diabetes, nutrition, and the homeless. We're working on setting up proposals for traditional healing practices in terms of mental health, alcohol, and substance abuse. Each of our 16 divisions in the department has a specific Hawaiian health initiative and focus now that is in the process of being developed and implemented using existing funds, existing staff to redirect our energies and activities.

In further support of traditional healing, we are working with E Ola Mau to develop a Hawaiian organization kind of registry for Hawaiian healers and Hawaiian health-related organization activities and to have a system of referral for their services so that they can coordinate and fit in to what we do in terms of case management at the community level and to interface with Western healing practices and to bring together a kind of holistic approach.

These are some of the new efforts undertaken under the direction of Governor John Waihee. We are fully committed to the challenge of meeting the unique health needs—particularly access needs—of Hawaiians who are currently the State's population group at highest risk. And, in rendering our existing health care programs more accessible, we're going to enhance the efficiency and financial effectiveness of what we do with our existing State health funds.

Our State commitment must also be matched in additional funds. All residents of Hawaii pay Federal income taxes which are, in part, used to fund Indian Health Service benefits to American Indian, Eskimo, and Aleut people residing in the Mainland states. It seems to the department that our Hawaiian people are similarly justified in receiving increased Federal health service benefits and funding.

We are extremely grateful to the Senate and House members, and particular Senator Inouye, for the Native Hawaiian Health Care Act of 1988. If fully funded as authorized, we might expect, I assume and hope, from $5 million to $8 million per year for health education, prevention, cultural healing, and improved access. This would amount to about $23 to $38—depending on whether $5 million or $8 million—per year per Hawaiian person in our State. It is, indeed, a beginning of a legitimate Federal commitment to accompany the $60 million, or $283 per Hawaiian person being spent annually by health service agencies within the Department of Health.

In contrast, the Indian Health Service with an annual budget over $1 billion at about 1.4 million beneficiaries, as I understand, at this point spends approximately $730 per eligible person per year for Indian, Eskimo, and Aleut beneficiaries.

I personally, as a part Cherokee individual and as an individual who was the founder and director of the Navajo Nation's first tribal health department, have had the privilege of spending seven years working as a grass roots physician and also in helping to organize, as a member of the tribal cabinet, that health department. I'm very grateful to Indian Health Service. I realize compared to $2,100 average dollars we spend on health care per American citizen that Indian Health Service is doing a lot with what it gets, which is about one third of what we spend on other citizens, and I'm grateful. I'm very grateful.

I realize the under-funding of Indian Health Service, particularly in mental health and in substance abuse, and I'm really aware of those things.

However, looking at the Hawaiians, though their problems almost seem to be invisible to us when we look at this idyllic environment, this beautiful place of Hawaii, and we listen to the music and we enjoy the culture, you almost don't see through all that that our Hawaiian people suffer a very similar health status to their American Indian, Eskimo, and Aleut brothers and sisters.

I appeal to you today, therefore, to help us in acquiring the resources we need in Hawaii to meet the health needs of our Hawaiian people.

We propose that the health status of Hawaiian, including those prevention indices outlined in the Surgeon General's National Health Objectives for the Year 2000, be improved to parity within this State for Hawaiians with the other populations by the year 2000.

I have outlined the strategies we propose somewhat in this document and elsewhere in order to achieve this sizeable accomplishment. We are committed to realizing our vision of Hawaii as the health State, positioning Hawaii as the international health and wellness capitol. This commitment has got to be based on efforts to develop focused targets quality assurance indices and so forth, certainly the funding needed to achieve targeted goals.

But the biggest gains in reaching "Hawaii, the Health State" visions will obviously come from emphasizing and really improving the health status of the Hawaiian people in our State.

Through all these processes and issues the spirit of aloha forms a critical core to our concept of Hawaii as the Health State. It has been the aloha of the Hawaiians which has consistently greeted visitors and immigrants to our State with warmth and friendship. It is this aloha and the many other Hawaiian cultural and traditional values which truly bind us together here as a people. It will, therefore, be the vision and the commitment of our Department of Health and the State of Hawaii to ensure that the spirit of aloha and the blessing of good health be justly and equitably extended to all our people, and especially to our citizens of Hawaiian ancestry, those who welcomed the rest of us here.

Thank you very much.

[Applause.]

[Prepared statement of Dr. Lewin appears in appendix.]

The CHAIRMAN. The State of Hawaii is most fortunate to have Dr. John Lewin in charge of the Department of Health. As he indicated, he is a member of the Cherokee Nation, and at about the time the Indian Wars ended, the Cherokees were nearly exterminated. But since that time, by almost extraordinary effort, they have been able to rebuild their nation to a position where today the Cherokees economically are amongst the most advanced Indian nations, and educationally I think they may have surpassed other Indian tribes. This man is well aware of the problems that Hawaiians have to go through because the Cherokees had to experience the same thing. So I think we owe him a great debt of gratitude. [Applause.]

The CHAIRMAN. Congressman Akaka.

Mr. AKAKA. Thank you very much, Mr. Chairman.

Dr. Lewin, I want to commend you for your testimony. It tells us how it is about the Hawaiians. I value your closing comments about aloha in Hawaii. Somehow we need to raise the health status of the Hawaiians. We all know that health depends or comes from what we eat. The Hawaiians are great eaters. We have so many good foods, and I don't want anybody to tell me I can't eat what the Hawaiians love. But we know that the kind of foods Hawaiians have been eating have really been the basis of the health status of the Hawaiians.

I also want to commend you on the SHIP program—the State Health Insurance Program—in the State of Hawaii and what it is doing for the people.

My question is: What kind of programs are being focused upon the Hawaiians dealing with food? We also read from your statement that there was a diet study that may have been helpful in understanding this. But as we look at the Hawaiians today and the litany of ills that they suffer, do you have as a directive of health in Hawaii an idea or plan for the Hawaiians?

Dr. LEWIN. Thank you for asking that question, Congressman Akaka. What I'm doing right now is just the beginning of what I see that we will be doing and must be done. But Kupuna Hughes spoke to you this morning, and I should let you know that it is her daughter, Claire Hughes, a nutrition expert in our department and who now is working part-time at the university to extend this kind of information, that is the person who carried out that study—the Na Pu'uwai diet study.

The community of Hana, Maui has recently expressed its desire as a whole community to actually do some health assessments on all of the people in the community, and we have begun to work with Queen's Medical Center and other groups to actually develop that and to develop some health diets that can be used in public gatherings.

But we need to be aware that the ancestors of today's Hawaiian people had a wonderful and healthy diet—much of which would be too expensive to purchase if one was to go to the market. So we really have to develop ways of using the traditional diet again and revitalizing it because it is a wonderful and healthy and healing diet.

The Hawaiians of the past had healthy teeth and today we have poor dental health, and there's a lot that we can learn from the past.

It is in the re-mobilizing of the resources within the Department of Health to shift away from such things as spending all of our time worrying about the diet of people in their 90s in nursing homes and to really get with our young people and our communities to establish a context of healthy diet not only for the Hawaiian people, but their traditional diet may be of great value to the rest of us, as well.

We do have the vision of how we're going to do that. I believe, again, that some funds will be needed. But even without those funds, Congressman, we're going to be moving aggressively in that direction.

Mr. **Akaka**. Thank you.

The **Chairman**. Delegate Blaz.

Mr. **Blaz**. Thank you, Mr. Chairman.

I just want to commend you, Doctor. It has been a long time since I have enjoyed a doctor doing anything. [Laughter.]

I'll tell you, you have handled a particularly difficult subject in a particularly refreshing way.

I was sitting here trying to figure out why this fellow would feel that way. I think I know the answer. You have walked where we have walked, you have felt what we have felt, and you have been where we have been. We're surely glad to have you. If you ever run out of a job here, try Guam.

[Laughter and applause.]

Mr. **Faleomavaega**. Mr. Chairman, I, too, would like to associate myself with the comments and certainly the compliments that have been given to Doctor Lewin. As a fellow tribal member of the Cherokee Nation, I show you my deepest appreciation for your being here.

I note with interest your mentioning the arrival of Captain Cook. I'm so glad you said that. Ever since the Hawaiians discovered Captain Cook, things have not been the same. [Laughter.]

And ever since the Native Indians discovered Columbus things have not been the same. [Laughter.]

I appreciate your mentioning the new efforts concerning the traditional methods for medicine. You might be interested to know that there are about 200 herbal plants that the Samoans have developed over centuries that are now being studied by the National Institute of Health for Cancer Research. And there is no reason why the same could not be done for Native Hawaiian herbs that are known as having medicinal value. I think that would be a tremendous help as an effort to contribute to mankind's needs. But I am really troubled, though, by all the statistical data that you have indicated about the health status of Native Hawaiians. It is unbelievable.

I think, Mr. Chairman, that it is certainly something that ought to be brought to the attention of the entire Congress. We talked about the needs of Native Americans, but even at the bottom of the barrel, the needs of the Native Hawaiians are even worse and below the barrel. And that's really something that I think we ought to note, and I certainly will make it a point to declare this and to mention it to the chairman of the House Interior Committee.

Thank you very much.

[Applause.]

The **Chairman**. When we are called upon to deal with a crisis, we must know what we are dealing with, and Doctor Lewin's testimony becomes very important. He has shared with us statistics that we don't want to hear, but we must hear. And I agree that we should make this information abundantly available to all peoples, not just in Hawaii, but all over the United States, and tell them that we have in these islands fellow Americans, brothers and sisters, who are not receiving the full bounties of our democracy. To this end we pledge ourselves.

[Applause.]

The CHAIRMAN. And now it is my pleasure to call upon the President of the Hawaii State Senate, the Honorable Richard Wong. Is he here?

[No response.]

The CHAIRMAN. Then if I may, may I call upon the very distinguished Speaker of the House, the Honorable Daniel Kihano.

[Applause.]

STATEMENT OF HON. DANIEL KIHANO, SPEAKER OF THE HOUSE, HOUSE OF REPRESENTATIVES, STATE OF HAWAII, HONOLULU, HI

Mr. KIHANO. Thank you very much, Senator.

It makes me feel comfortable being here in this podium, because I have my two friends over there.

Before I go on with my testimony, I'd like to—as I was sitting there listening to the Department of Education making the testimony, there was a question posed to Mr. Takata in terms of whether there are changes that are being made on the 9.1 to 9.5 situation. I'd just like to mention that in this session of the Legislature we have adopted what we call a "school-base management program" which will be implemented this coming year. What does that mean? It means that every community in Hawaii is different because of our ethnic makeup. And we want that school-base management program developed from the community and not from the top level of the Department of Education.

And so we're going to implement this program, inviting the people in the community, the teacher who teaches at the school, and the principal that administers and manages that school to come up with the program they feel will be conducive to that community.

I'm proud to say that these are some of the changes we in the Legislature feel should be happening. And we're just hoping that this program flourishes and that the full State will abide by this program.

I'd just like to add that to the question that was asked earlier.

Mr. Chairman and members of the Senate Select Committee on Indian Affairs and the House Interior and Insular Affairs Committee, good morning. It is a pleasure to have you visit our State, and we appreciate your initiative in looking into the very important issue of the fulfillment of the trust obligations to the native people of Hawaii.

I would like to take this opportunity to address two topics. First, the value of the Department of Hawaiian Home Lands program, and second, the policies and objectives of the Legislature—in particular the House of Representatives—regarding the development of the Hawaiian Home Lands.

The high cost of housing in Hawaii is one of the biggest problems facing all of our citizens. The House of Representatives of the State of Hawaii is committed to providing affordable housing for all of the people of Hawaii. And the House vigorously supports the efforts of the Department of Hawaiian Home Lands to develop lands and provide loans for the creation of affordable housing for Native Hawaiians. This effort is an integral part of a comprehensive State program to provide safe and decent housing for all the citizens of Hawaii.

In this regard, the House supports the efforts of the Department to increase the rate of the homestead development. In 1988, the Legislature, at the insistence of the House, made a major shift in its policy towards support of the Department of Hawaiian Home Lands. Before that time, the Legislature had always required the Department of Hawaiian Home Lands to cover all of its operating expenses with funds generated through its programs, while the Legislature provided funds for capital improvements.

Beginning with the 1988-89 fiscal year budget, the Legislature began appropriating money to cover much of the operating expense, as well as the capital improvements expenses of the Department's work. In the budget for the current and future fiscal year, we appropriated general funds to cover all the operating expenses of the department, as well as significant amounts for capital improvements.

The revenues generated by the Department to be used by the Department were left to cover special revenue bonds the department has been authorized to issue. This brings our policy toward the Department of Hawaiian Home Lands into line with the administrative funding policy toward all other State departments. In all my years in the House, this policy change is one of the accomplishments of which we can be proud of.

In addition, in 1987 the House of Representatives declared its intention to seek to provide Native Hawaiian individuals and organizations the right to sue to resolve controversies relating to the Native Hawaiian public trusts. This effort resulted in an arrangement made by the State Administration to establish a framework to allow such suits against the State of Hawaii.

One difficulty facing the Department of Hawaiian Home Lands in their efforts to develop homesteads for Native Hawaiians is the rough and barren nature of much of the land which was set aside in trust for this purpose. To address this problem, in the 1989 Legislative Session the House proposed to have the State Administration identify lands which would be more suitable for homesteading which could be exchanged for lands currently controlled by the Hawaiian Homes Commission which are not as well suited for homesteading. However, this bill failed.

Finally, the Legislature has, in recent years, significantly increased the amount of capital improvement funding provided to the Department of Hawaiian Home Lands for the development of roads, water and sewer lines, and other forms of infrastructure needed to permit construction of homes on Hawaiian Home Lands.

In closing, the House views the Department of Hawaiian Home Lands programs as an important component of the State's efforts to address housing difficulties, and has supported an increase in the level of State as well as Federal resources provided to the Department to accomplish its goals.

I'd like to thank you, Senator and committee members, for this opportunity for me to testify. Thank you very much.

[Applause.]

[Prepared statement of Mr. Kihano appears in appendix.]

The CHAIRMAN. Mr. Speaker, I thank you very much on behalf of the joint committees, and I wish to commend the members of the State Legislature for the enlightened approach to assisting the Hawaiian Homes people. I think the bonding program that you have carried out and the capital improvement program will most certainly enhance the lifestyle of our Native Hawaiians, and for that I congratulate you.

Mr. KIHANO. Thank you.

The CHAIRMAN. Congressman Akaka.

Mr. AKAKA. Thank you very much, Mr. Chairman.

I, too, want to commend you, Mr. Speaker, for your work with your body, the House, and also with the needs of Hawaii. I am elated at the focus, as well as the contributions your body has made to help the infrastructures of Hawaiian Home Lands and all the costs of capital improvements that are necessary. This has been the reason why Hawaiian Home Lands has really moved ahead. And it has been through your efforts, as well as the efforts of the Governor and the State Government. Thank you very much.

Mr. KIHANO. Thank you.

The CHAIRMAN. Mr. Blaz.

Mr. BLAZ. I don't have any question, Mr. Speaker. I just want to thank you for coming. I enjoyed your presentation very much—and this is coming from a fellow member of the House of Commons, as contrasted as a fellow from the House of Lords. [Laughter.]

Mr. KIHANO. Thank you.

Mr. FALEOMAVAEGA. I'd certainly like to commend the Speaker for a beautiful presentation this morning, also. And I am also gratified at the fact that the State Legislature is looking seriously into this problem that I had mentioned earlier about this 9.1 to 9.5 gradation which I feel is very, very bad. I'm just curious, Mr. Speaker, about this community-based program. The concern that I have is that the schools out there in the districts out in the country are going to be stereotyped again in a very negative way, having the least resources that may be made available to them in really giving them the opportunity.

Here's the problem I have, Mr. Speaker. If you get an island student to tell them how many apples are in an apple tree he'll have no idea because there are no apples here on the island. But if you ask an island student how many coconuts there are on a coconut tree he'll have a much better aptitude in telling how many coconuts are there than you would a student from the State of Washington.

[Applause.]

Mr. FALEOMAVAEGA. And it boils down to the problem of aptitude tests. I imagine this has been the structure of our whole educational system that I find very troublesome to any Native Hawaiian student and any Samoan student—any student who is not adequately given that kind of orientation. But this community thing that you have indicated, I hope, Mr. Speaker, will be towards that direction in really giving the real root orientation that our students need.

Thank you very much.

[Applause.]

Mr. KIHANO. I realize what you're saying, because I was part of that system. And I was fortunate to be put into the 9.1 situation. [Laughter.]

Not because of my aptitude, but because maybe I was good looking. [Laughter.]

Mr. FALEOMAVAEGA. Mr. Speaker, here's the problem I have with this. If you started as a sixth grader from 6.1, for the next 6 years you have no chance—other than the fact that you are already stereotyped, you're going to be 6.1, 6.5, 7.5, 8.5 all the way up to 12.5. For the next 6 years psychologically that classmate of mine is not going to have any sense of confidence in himself that he can put himself through school despite this psychological labelling he's dumb. And that really disturbs me. It really disturbs me. [Laughter.]

Mr. KIHANO. Thank you for reminding us. Thank you very much.

The CHAIRMAN. Nearly four decades ago it was my great honor and pleasure to work with one of the acknowledged fighters for Hawaiian causes. Many of the old timers will remember his name, he was Willie Crozier. Today we are fortunate to have his son with us who continues this tradition of fighting for Hawaiians, and today he serves as the Chairman of the Senate Committee on Housing and Hawaiian Affairs of the Hawaii State Senate. Ladies and gentlemen, I am pleased to welcome the Honorable Michael Crozier.

[Applause.]

STATEMENT OF HON. MICHAEL CROZIER, CHAIRMAN, STATE SENATE COMMITTEE ON HOUSING AND HAWAIIAN AFFAIRS, HONOLULU, HI

Mr. CROZIER. Senator, Congressmen, people of Hawaii, aloha.

[Chorus of aloha.]

Mr. CROZIER. Thank you, Senator, for mentioning my Dad. You just put a frog in my throat, but thank you for mentioning him.

May I summarize my testimony, and also even divert occasionally?

The CHAIRMAN. I can assure you that your full statement will be made a part of the record. You can present it any way you wish to.

Mr. CROZIER. Thank you, sir.

I appreciate your opening remarks, because I was one of these people who had concerns about you and the committee coming to Hawaii, having the hearing, and going home.

Just 2 weeks ago many of us legislators and council people went out to the homeless and slept out on the streets with them on Sand Island. Every place I went as I talked to the homeless they said, "Hey, you're just here to have a good time and see how we live, and then you're going home and you're going to forget about us." I kept having to tell them, "No, I am committed. Representative Joan Hays from the Housing Committee is also committed." I kept having to say that. And when I came to testify I had the same opinion that you were going to come here—just like the homeless, we're all the same type of people—you were going to come here, excite everybody, get everybody stirred up, and then you were going to go home.

My concern is—I am the Chair of the Housing and Hawaiian Programs Committee. There is no more action-packed committee in the Senate than the Hawaiian Programs Committee.

[Laughter and applause.]

Mr. CROZIER. So if you do read my remarks and in there I talk about you waking the sleeping giant and people will be testifying and picketing outside and across the State, I feel very good that you and the committees will be staying the course and helping us resolve th[illegible] problem.

Thank [illegible] very much Senator and Congressmen.

[Applause.]

Mr. CROZIER. I'd like to touch on three points. First, the State-Federal relationship; second, governance; and then finally, recommendations on what Congress can do to help us.

We've been a State for 30 years. We are a very progressive State. In fact, many of the other States in the Union look to Hawaii for leadership. We are also a State that has an understanding heart. We have made a commitment to the Hawaiian people, and we have followed through with that commitment.

It has been a progression—slow progression. If you look in the last 3 years—we keep talking about the sins of the past, and you're going to hear a lot about the sins of the past. But if you look in the last three years at what has been done for the Hawaiian community and primarily Hawaiian Home Land, the State Legislature has authorized over $80 million worth of funds through cash, through general obligation bonds, through general funds, and also through revenue bonds. This is going to open up a whole new arena or potential for the Hawaiian people.

If the Federal Government would chip in a little bit more, we could accelerate the programs a lot further. [Laughter.]

I'm sure the Chair of the Hawaiian Homes Commission will talk about that more in detail, but I'd just like to say that we have made the commitment. There is still a lot of interaction going on between the Legislature and the Executive Branch and the Hawaiian Homes Commission. One area that I'd like for you folks to take a look at is when you go to the island of Maui the Hawaiian Homes Land has 6,000 acres which is called the Kula Lands.

The Kula Lands stretch from way up in the top of the mountain 6,000 feet all the way down almost to Kehei. And Kula is the top side. So when all of us decisionmakers talk about the Kula Lands, we have this idea that they are way up there. And arguments that we are fighting right now are over how we are going to get water to the Kula Lands. Perceptions. All you've got to do is think like any developer does. I spend 18 years in the construction field. Any time you are going to make a development you do not start at the top of the mountain, you start at the bottom of the mountain because everything that has to flow downhill flows downhill. You cannot start at the top and expect—what are you going to do with your waste? It is trapped up there. You develop from the bottom up, and that's how it comes along.

I still have to convince our Hawaiian Homes Department that's the way to go.

Also, on a more serious note, if the jobs are down in Kehei, all the jobs are there. There are no jobs up in Kula. There are a few jobs up there, but not very much. Most of the jobs are in Kehei. If we can start from what I call—instead of calling it the Kula Lands, I call it the Kehei Mauke Lands. We start from the bottom up. The people can be placed on the lands very soon, and the job base is there. That way we could solve two of the very critical problems that are facing the nation and Hawaii. First of all, housing and job base. We could uplift all of the recipients and their quality of life.

The State has made the commitment.

Now, I'd like to go into governance. From the time when the Hawaiian Homes Act was implemented there was very little self-determination. It has moved. It has progressed forward. It has not progressed because of the good will of the politicians. The recipients and the potential recipients had to intervene and move the agenda.

Early on, different governors of the Territory of Hawaii sat as the Chair of the Hawaiian Homes Commission. If you've got the governor sitting there who was appointed by the President, there is no self-determination. That has evolved. Now, since we have become a State, we have all Hawaiians sitting on the Hawaiian Homes Commission, and they have proven themselves to be dedicated, responsible individuals.

May I just remind our Senator Inouye and Congressman Akaka and enlighten our two guests that in 1978 there was a controversy where the governor wanted the Hawaiian Homes Commission to take a position. The Commission refused to support the governor's position and they were ready to resign en masse. The Hawaiian Homes Commission has shown its strength.

You can see the evolution. During this period of evolution the Hawaiians were after self-determination. You talked about my Dad. My Dad did make a commitment to the Hawaiian people. My uncle, who was a homesteader on the Island of Molokai, was part of the Pac Pine. Maybe some of the real old people can remember Pac Pine. Well, they started to have a cooperation of homesteaders so they could package the pineapple. They didn't make it. They went bankrupt. But they tried. They were after self-determination. We have been moving along.

In 1978 we had the Constitutional Convention, and in that forum we created the Office of Hawaiian Affairs. The Office of Hawaiian Affairs is the continuum of self-determination. This is to allow Hawaiians to choose their leaders. Uncle Leon Sterling, who was sitting here and gave the Pule earlier on, was one of the key players in creating that. I was a member of the Constitutional Convention and also a member of the committee.

Senator, you mentioned Kaahumanu, who was the Victoria of the Hawaiian people. I believe at some point in time we will also recognize a lady who will have her place high in Hawaiian history, and that's Auntie Frenchy De Soto. If it wasn't for her, OHA would not be here today. Auntie Frenchy, wherever you are, I love you. Aloha.

[Applause.]

Mr. CROZIER. As you look into governance, take a look at OHA. Many of us in the Con-Con believe that when it is time for the Hawaiians to have self-determination, or it is time for them to address or control the Ceded lands for them to be concerned or have full control of Hawaiian Home Lands, many of us believe that OHA, a democratic structured organization made up of Hawaiians elected by Hawaiians, would be the vehicle for that to happen. Mr. Chairman, I'd like to move into the last area, and that's what the Congress can do for the Hawaiian Homes Act.

It is a lot more complicated in my testimony, but I'll just bring out the six points.

First of all is the commitment of the Federal resources to develop homestead lands. The State has provided funds for construction and infrastructure and will continue to do so.

Second, education of the Hawaiian community and dissemination of information regarding the alternatives available to them in the area of housing, land use, and loans. Right now we have a program for Hawaiian Homes recipients to use. Since 1987, only 34 applicants have been used. There are 39 other applicants using this loan program. If we get more information to the potential recipients, more of them would use it. That's a major area.

We need to enact further legislation enabling the Hawaiian Home Lands recipients to qualify for Federal housing assistance programs. This is primarily under HUD. There are some areas, because there are racial barriers, Hawaiian Home Lands cannot participate. If Congress could figure out a way to get the Hawaiians into those programs, you could advance the cause quite a bit.

Looking for the possibility of the future transfer of the authority of the Department of Hawaiian Home Lands to another organization with more Hawaiian self-determination—and my choice is OHA.

An enactment of legislation to repeal the requirement for Congressional consent for the Hawaiian Homes Act amendments made by the State Legislature. Mr. Chairman, I'd just like to make a comment on that. Every time the State Legislature makes an amendment to the Hawaiian Homes Act we have to go before Congress for approval—not every time, but on certain critical areas. And sometimes it has waited for quite a few years. But, like I said earlier, we are a mature State. We have proven our commitment to Hawaiian people.

I have here with me a letter from Mr. Ralph Tarr. He is the Solicitor from the Department of Interior. This is a letter to the President of the Senate, Danforth Quayle. May I just read the second to the last paragraph?

> We believe it may no longer be appropriate to require the consent of the United States for amendments by the State of Hawaii to the Homes Commission Act. Accordingly, we will submit separate draft legislation to repeal this requirement as soon as possible. Before such repeal could become effective, it could require the approval of the people of Hawaii.

Mr. Chairman, I hope Congress will pursue this. We in the Legislature will work quite closely with you to resolve this added bureaucratic delay.

My final comment, Mr. Chairman, is that I will be sitting here for the next 5 days and I will be following the committee and every item will have to be wrestled with by our State Government. I would request that we could have a copy of all this testimony so that we would have a record, also.

Thank you very much. Aloha.

[Applause.]

[Prepared statement of Mr. Crozier appears in appendix.]

The CHAIRMAN. Mr. Crozier, your father would have been proud.

Mr. CROZIER. Thank you.

The CHAIRMAN. I would like to comment on the second to the last recommendation you made about taking away the power of the Congress to review and approve legislation passed by the Hawaii Legislature that affects the Hawaiian Homes Land.

May I suggest to you most respectfully that Hawaiians may be walking into a trap there. One of the purposes of this hearing is to strengthen the trust responsibility that presently exists between the Federal Government——

[Applause.]

The CHAIRMAN [continuing]. And the Native Hawaiian people. When the Federal Government on Statehood Day transferred the administration and implementation of the Hawaiian Homes Land to the State of Hawaii, it wanted very much to wash its hands of the Native Hawaiians; however, fortunately, in the wisdom of those who drafted the Admissions Act and Organic Act, they kept a proviso in there that the Federal Government shall have the right to oversee and to make certain that the intent of the law is being carried out.

One intent was to make certain that the benefits that were established in the Act of 1921 be perpetually available to Hawaiians. Therefore, that is why the Congress assumed that role of making certain that these amendments will not in any way jeopardize or injure Hawaiians as far as their benefits are concerned.

[Applause.]

The CHAIRMAN. I realize that this step requiring Congressional approval is a burdensome one, and it is almost bureaucratic, but if we took that away, then the time will come when the Federal Government will say we have no such responsibility. It is now all in the hands of Hawaiians. It is your Kuleana. You take care. We have got nothing to do with it. Do you see?

I just point out—this is not as a complaint, but I would just point out a little of what has to be coped with in the Congress of the United States. Every Hawaiian program initiative has been opposed by the Administration of the Government of the United States. Every one. Hawaiian Health Program, Hawaiian Education Program, Child and Maternal Health Care, all of the appropriations. Notwithstanding the opposition, we have pressed forward and we have gotten the limited funds that we are now receiving. It was like pulling teeth—and I am not talking about Republican Administrations; I am talking about all Administrations, Democratic as well. It was like pulling teeth to get Hawaiians to be declared Native Americans and, as such, qualify in Native American programs. Legally, you were here before the Westerners arrived, and that makes you Native American like Samoans are Native Americans.

[Applause.]

The CHAIRMAN. The last thing I will do is to permit the United States to wash its hands of the trust responsibility.

[Applause.]

The CHAIRMAN. Senator Crozier, I know it is tempting for any legislator to be able to move smoothly and expeditiously over programs, but in this case I would hope that you and your colleagues will maybe grit your teeth and live with this, because this attachment of the Federal Government is a very important one. Once you take that hook away, they are going to say that they are not responsible. I don't want that to happen. So, Son of Willie, I hope you understand.

[Laughter and applause.]

The CHAIRMAN. Mr. Akaka.

Mr. AKAKA. Thank you very much, Senator Crozier. I enjoyed your remarks straight from the heart, and I know anything that you're concerned with is lively. [Laughter.]

I know you are a committed person——

Mr. CROZIER. Thank you.

Mr. AKAKA [continuing]. And have followed through with your commitments.

I, too, was interested in that part that Senator Inouye commented on. I remember participating on the House side in passing that survivorship bill of 25 percen Hawaii for Hawaiian Home Lands survivors. And with that we found that there were 52 amendments that did not receive the consent of the Congress. And so we put all of that in that one bill and were able to pass it.

And I remember, as the Senator mentioned, we have a lot of opponents out there, and opponents that came after me. They wanted me to speak about every one of those 52 amendments, and they said they didn't want to pass anything that they didn't know anything about. The way I got around that was to say that the legislature of Hawaii has the obligation of passing an amendment to the Hawaiian Home Lands only if it benefited the Hawaiians and these were those type of amendments. And by that time I think there were two amendments that already were not needed, and so we just wiped those two out.

But when that bill was passed, all consent was given to all amendments of Hawaiian Home Lands dating back to 1920. And so I think we're kind of up to date on the consent.

I will say, too, that I agree with the Senator that it is very, very difficult to try to get programs passed for a particular ethnic people such as Hawaiians. What the consent requirement does—I agree with the Senator—is it links us with the Federal Government, and so we can continue to use this as a responsibility.

There are programs that we have to fight for and make it known that these type of programs are the responsibility of the U.S. Government. I hope that we can continue to use our statutory link as a reason for getting future help from the U.S. Government.

I should say that receiving consent for amendments to the Hawaiian Home Lands Act should not be such an arduous job in the House except to explain what they are and they are for the benefit of the Hawaiian people.

So, I, too, would agree that we should keep that relationship.

Mr. Crozier. Congressman, my concern is that we don't seem to have a path to follow. You are saying that there were 52 amendments sitting there for the last 40 or 50 years. There was a statement there that we have a problem. If we don't get rid of that clause, we've got to have some kind of maze that we know how to walk through instead of just losing a lot of time, because we here, at the State Legislature, are on the front line. People are coming after us and we're saying, "We're waiting on Congress." They don't want to hear that. They want results.

If you folks could help in some way, we would appreciate it.

Mr. Akaka. Senator Crozier, may I say that until the survivorship question came up I did not know that we had 52 amendments pending. So I think in the future, now that that has been done, and because the Legislature does enact amendments, and because we have a good relationship with you, I don't see any problem in the future of getting consent.

Mr. Crozier. Thank you.

Mr. Akaka. And after you pass it we should get it immediately and begin to work on it.

Mr. Crozier. Thank you very much.

Sir, I'd just like to make one more comment that up until—it may not be quite proper—up until Governor Waihe'e, the Executive Branch was kind of reactive towards the Hawaiian Home, but with Governor Waihe'e, he is pro-active. He is moving the Hawaiian Home Lands agenda. We would appreciate all the cooperation we could get from Congress.

[Applause.]

Mr. Blaz. Thank you, Mr. Chairman.

I just want to mention that I commend you, sir, for a fiery and a passionate presentation. But let me say something that I didn't think I was going to say, because I don't know that it is appropriate, but, appropriate or not, I think listening to the way Senator Inouye explained what happens in the Congress is a very, very difficult thing for anyone to do.

Bashing the Congress is something that politicians like to do when they go to their district. Defending the Congress takes exquisite effort. In his case, I thought that was so good because it really makes all of us realize that not in all cases is it the Congressional action designed for anything other than for our protection.

I wish I were gifted with the wit, the wisdom, and the words to do it as well as he did. This is just my way of saying you did a great job.

[Laughter and applause.]

Mr. Faleomavaega. Mr. Chairman, I, too, wish to commend Senator Crozier for his statements. I'm sure without question we always appreciate a man who speaks from the heart.

Yes, you have alluded to the fact that we have had sins of the past and we are looking over them now to what we should be doing in the future. Dealing with an institution with 435 members and 5 territorial delegates and 100 Senators yes, it can be a little bit confusing in Washington. But I cannot help but to allay myself with the statement made by the chairman earlier that, given this trust responsibility, and with the Constitutional implications touching on the question that we talked about with self-determination and sovereignty, these are very sensitive and touchy issues. But also measuring the conscience of the country or the nation it would seem that if this can be identified and projected with resolutions to these problems that we face with the needs of Native Hawaiians, certainly we don't promise that everything is going to be resolved.

There is no symmetry in the Congress. In fact, Congress moves in a very mysterious way sometimes. I realize that the public does not have a very good opinion of the Congress, but they love their Congressmen and they love their Senators. And, for some reason or another, that seems to be a contradiction, but that's a reality of what we are faced with. I sincerely hope that the suggestions and the things that you have alluded to are such that we can work together with your committee and with the programs in an effort to meet the needs of our Native Hawaiian people. I thank you for that.

Mr. CROZIER. Thank you, Congressman.

[Applause.]

The CHAIRMAN. Once again, I wish to thank Senator Michael Crozier for his testimony. I have been told that some day he wishes to sit where we are sitting now.

Mr. CROZIER. Amen.

[Applause and laughter.]

The CHAIRMAN. We wish you well, sir. [Laughter.]

Before we recess the morning session, I would like to make a few announcements.

We have set up TV monitors outside so that those for whom there are no seats in here may be able to watch the proceedings in the corridor.

Second, I am advised that a large number of kupunas will be coming from homestead associations, and I would hope that we will accommodate them. They have asked that the last three rows be set aside for them. And so when we resume our hearings at 1 p.m., could we just leave the last three rows for our dear kupunas? I am certain that you will agree with me.

[Applause.]

The CHAIRMAN. Since I announced that the afternoon session will start at 1 p.m., we have 31 minutes for lunch; so until 1 p.m. we stand in recess.]

[Recess.]

UNIDENTIFIED SPEAKER. It is not because of our Hawaiian time that we were late. We wanted to be on time. It is a technical, electrical problem. Thank you. [Laughter.]

The CHAIRMAN. Now that civilization has caught up with us. [Laughter.]

Welcome back to the hearings. Our first witness this afternoon is the very distinguished chairperson of the Hawaiian Homes Commission, the Honorable Ilima Pi'ianaia.

[Applause.]

STATEMENT OF ILIMA PI'IANAIA, CHAIRMAN, HAWAIIAN HOMES COMMISSION, HONOLULU, HI

Ms. PI'IANAIA. Senator, before I go into my testimony, I sit as the full-time Chair of an eight-member commission which has recently been increased to nine. My fellow commissioners are essentially lay volunteers, and they have requested time in our portion to present testimony to you prior to going into the more technical areas.

On our commission we have a very wonderful mix of people. On our commission we have a kupuna. This kupuna is a homesteader. She keeps us straight. She has been a very, very long-time community activist. I'd like to call on Alvina Park, who will present testimony on behalf of the other members of this commission. Thank you.

[Applause.]

STATEMENT OF ALVINA PARK, COMMISSIONER, HAWAIIAN HOMES COMMISSION, HONOLULU, HI

Ms. PARK. Thank you, Ilima.

Good afternoon, Senator Inouye.

The CHAIRMAN. Alvina, welcome.

Ms. PARK. And welcome to the committees.

I should mention the names of the other commissioners here. They are sitting in the chairs over there. We have Andy Apana; Nani Brandt from Molokai; Dennis Kauahi from Oahu, like myself; Edison Keomaka, who is not here today; George Robertson; and Walter Smith, who has had an operation and is not here this day.

Ano'ai Senator Inouye and members of the committees. I am Alvina Park, Commissioner and Nanakuli homesteader.

We are members of the Hawaiian Homes Commission appointed by the Governor of Hawaii to set the policies that guide the work of the Department of Hawaiian Home Lands. As you know, the Hawaiian Homes Commission was created by the Hawaiian Homes Commission Act of 1920.

We aloha you today for your deep concern and interest in the welfare of our Native Hawaiian beneficiaries. We accepted the responsibility as commissioners because we love our people and we love our Hawaii nei. We are comprised of a small body of volunteers who come from homesteads, successful businesses, union leadership, and social work. These experiences collectively provide us with a depth of expertise and training that is bound by a firm commitment to our people and the values of our unique heritage.

We are pleased that the Senate Select Committee has decided to see how they can assist Hawaiian Hawaiians to achieve self-sufficiency. We want you to know that as Hawaiians, ourselves, who share the same spirit of lahui or union, we are also part and parcel of the entire State community, for we cherish our Hawaiian values of inclusiveness, of the extended ohana, bringing together all who share our beloved āina. The evidence of this statement is obvious in our veins today, for in them lie a rich diversity of cultures and creeds made whole in the spirit of aloha i kekahi i kekahi, or profound love for one another.

We are sorry that the good members of the Senate Select Committee on Indian Affairs did not consult individually with us in any of the preliminary planning for these hearings. As policy makers, we were surprised at the exclusion because we mistakenly assumed that by your previous public statements your staff's approach would be balanced.

We also want to emphasize, Senator, that we do not commit breaches against our own people. While we are not afraid to listen to the many views Hawaiian express on their aspirations, dreams, and destinies, we listen to all sides of the issues and concerns and do not hesitate to make decisions on policies that we feel will best kokua to the general welfare of our beneficiaries. We make no apology for our leadership, for we acknowledge our God of Aloha who gives us continued strength and courage to do the things that are pono or just.

Your publicly stated intention to create a separate sovereign entity may have already compromised the fairness of these hearings. We are not docile, Senator. Our record of our actions speaks for itself. We make every attempt to do the right thing, just as we know that you do, too, in the exercise of your Federal responsibilities. We do not, in any way, create a diminishment or reduction of services to our beneficiaries in any deliberate way, and we are proud of our service to the community and the communities at large.

The sovereign Kingdom of Hawaii spanned a 2,000 mile long island chain. Like our American nation, it, too, was one nation, indivisible. It was not the scattered bits and pieces of reservations that our American Indian brothers and sisters currently live on. We were and continue to be one people, brought together historically by the Great Paiea, Kamehameha the First, and in that spirit of wholeness we have preserved our lahui despite the odds. Senator, even after the overthrow and down through the generations of other forms of local government, we have strengthened our understanding of cultural pride, identity, and unity. Our kupuna repeatedly described this cultural kaona with these simple words: we know who we are.

Permit us now to share our mana'o, our vision for our people in the years to come. For we know in the words of our Prince Jonah Kuhio Kalanianaole that we must look forward, taking from our extraordinary past those enduring values that are essential in the shaping of our common futures.

Our courageous ancestors sailed the Pacific with a confidence based on an intimate knowledge of islands and their seas handed down through generations of 1,000 or more years in oral tradition.

Our children, too, will man the space stations that explore the universe and find the cure for cancers. They will develop the complex technologies that will create further marvels of creativity and unparalleled imagination. They will embrace the Pacific in a new yet old way, and affirm the values of extended ohana. They will share our islands in global, meaningful ways that will ennoble all citizens. They will provide excellent leadership from both tradition and innovation. They will excel in their thirst and pursuit of new knowledge. They will write the new mo'o'olelo or literature of human interaction that will sustain their children during the next millenium.

And we will do these things, Senator, in the context of what we all collectively decide for ourselves. We have seen our American Indian nations. Most of them are not models to copy.

If we so choose, we will make our own model that is Hawaiian culturally based, and we know that it will not exclude anyone. We have done this throughout our history since the great Pacific voyages. The witness of the past two centuries of a dynamic Native Hawaiian social interaction has enriched us immeasurably. Our inclusiveness has created a wonderful example of a new humanity that is light years ahead of a troubled nation and world. In our Hawaii today, Senator, we all sing the same songs. The simple act of going to a Cazimero Brothers native concert will validate the kaona of our statement.

In practical terms, Senator, we are pleased with Governor Waihe'e's Administration and our legislators' support. Your Federal assistance in helping to place every single Native Hawaiian applicant on the land would be equivalent to the cost of one stealth bomber. This simple equation denotes the sad ethics and alien morality of these times. Small wonder that America's native minorities still wait patiently for a national understanding of what aloha i kekahi i kekahi means.

Despite the challenges, Senator, we look confidently toward our future. Our children are learning the multi-cultural ways. Our leaders embrace a constantly evolving emergence of a new Hawaii with pride and skill. A greater number of our people are contributing to the vitality and life of our land with joy and generosity.

We know who we were. We know who we are. And we know who we will become. Hanau ka 'aina, hanau ke ali'i, hanau ke kanaka. The land, the chiefs, and the people all belong together.

I thank you, Senator.

The CHAIRMAN. Thank you very much.

[Applause.]

[Prepared statement of Ms. Park appears in appendix.]

The CHAIRMAN. I should tell you that I was very disturbed to listen to your testimony in which you suggested that we did not include any of you in the preliminary planning of these hearings and you were surprised at the exclusion because you mistakenly assumed by my frequent public statements that it would be balanced.

The record will show that all commissioners were invited, and I think your Ms. Pi'ianaia will vouch for that. In fact, according to our records, Andy Apana, Nani Brandt, George Robertson, and Walter Smith, Jr., did attend our meetings on other islands. We invited all of them. I don't know why you didn't receive notice of the meetings. Furthermore, I am certain you realize that originally we had set our hearings for July.

Ms. PARK. Yes.

The CHAIRMAN. But when we were advised that it would coincide with the Governor's meeting and therefore make it impossible for Ilima and her staff to participate, we postponed the July hearings until August. This was to accommodate the Hawaiian Homes people.

And so I was surprised to read your statement because you can ask Andy Apana, Nani Brandt, George Robertson, and Walter Smith. They were at our meetings.

Ms. PARK. I see. Well, then, my dear Senator, I am in error.

The CHAIRMAN. You mean you didn't have any notice of these meetings?

Ms. PARK. No.

The CHAIRMAN. Ilima, what happened? [Laughter.]

Ms. **Pi'ianaia**. I do believe that there were phone calls made to various commissioners to invite them to the many meetings, and they were made from your office. I'm not sure what happened on this one.

The **Chairman**. But you are aware that commissioners did participate in our meetings?

Ms. **Park**. I'm aware that some commissioners did. Yes.

The **Chairman**. Second, Ms. Park, the last thing I would do would be to impose my will on the Native Hawaiian people on the matter of sovereignty. It is such a personal thing that I made it clear in my statement—at least I hope I did—that if a consensus is not reached among the Hawaiian people, sovereignty will go nowhere. It has to come from the people. The desire must come from the people. The type of sovereignty will have to be determined by the people. And if the people don't want sovereignty, so be it.

Ms. **Park**. I heard you this morning, and I thank you.

The **Chairman**. Mr. Akaka.

Mr. **Akaka**. Mr. Chairman, I thank Mrs. Park for her testimony. As she has enlightened not only this member, but certainly those attending our meeting this afternoon. We see that some of this information has been corrected. I hope that Ms. Park will take it in a positive way the purpose of our being here. But I assure you, Mrs. Park, this is how the Congress functions. It is sometimes very tedious. It is not really a glorious job when you sit for hours and hours listening to testimony, but it is part of the process. I appreciate your comments to the effect that if there were any misunderstandings I hope the Senator has clarified those points. I appreciate your being here. Thank you.

Ms. **Park**. Thank you very much.

The **Chairman**. Thank you, Mrs. Park.

Ilima.

Ms. **Pi'ianaia**. There are two other commissioners who have asked to be allowed to read their testimony. These are two commissioners from the Island of Oahu. Edison Keomaka is out of State, but he has asked one of his fellow leaders within the union to read his statement on his behalf, so Mr. Mel Kalama will be reading Mr. Keomaka's statement. And then our newest commissioner, Dennis Kauahi.

Mr. Kalama.

STATEMENT OF MEL KALAMA, REPRESENTING EDISON KEOMAKA, MEMBER, HAWAIIAN HOMES COMMISSION

Mr. **Kalama**. Aloha.

The **Chairman**. Aloha, sir.

Mr. **Kalama**. Thank you.

Senator and members of the Select Committee on Indian Affairs and the U.S. House of Representatives Committee, my name is Mel Kalama. I am representing Keomaka Edison, who is a member of the Hawaiian Homes Commission who is unable to be here at this time.

Before I proceed with my testimony in support of the Department of Hawaiian Home Lands, an agency of the State of Hawaii, allow me to give a brief background of the composition of the Commission. This introduction may be helpful in giving you and the committee an insight as to why we are supportive of the Department of Hawaiian Home Lands.

The Commission is composed of eight members. Three are residents of Honolulu, one is a resident of the County of Hawaii, one is a resident of Maui, one is a resident of Molokai, one is a resident of Kauai, and the eighth member is the chairperson. Seven of the commissioners are appointees of Governor John Waihe'e. I am proud to say that all of the members are of Hawaiian descent.

With the Governor, John Waihe'e, and the Director of the Department of Hawaiian Home Lands, Ilima Pi'ianaia, ours is a joint commitment of serving the Native Hawaiians as defined under title two of the Hawaiian Homes Commission Act of 1920.

Many things will be said and much more will be written about the Department of Hawaiian Home Lands, and you will probably become acquainted with all of them. I do not believe we need to dwell on them, but we do need to give them our attention if for nothing else but to understand the experiences that they have been through. Someone has said, "Life can be understood by looking backwards, but it only can be lived by looking forward." I hope the wisdom of that thought holds true for all of us.

It is not our intent to hide or be stopped by those few individuals who stand on the side and criticize and cast stones, for we have set our goals to meet the needs of our people—the Native Hawaiians. As a team working together, we have set our number one priority, and that's to move in one direction, which is vertically up.

Like yourselves, we are servants of the people. We know that we are faced with a difficult job. We understand that there are many obstacles that need to be handled or must be removed if we are to achieve our goals. We are committed to doing that. Governor John Waihe'e, in his Inauguration Address, couldn't have made it more clear when he said, "This is a new beginning." For the commissioners and many Native Hawaiians, this is a new beginning.

In fairness we ask: Do not judge us by our predecessors' records, but judge us by our accomplishments. A dream is just a dream until it becomes a reality. We will strive to make the Native Hawaiians' dream come true.

I thank you for the opportunity to testify.

The CHAIRMAN. Thank you, sir. And give our thanks to the commissioner.

Mr. KALAMA. Thank you.

[Prepared statement of Edison Keomaka appears in appendix.]

STATEMENT OF DENNIS KAUAHI, MEMBER, HAWAIIAN HOMES COMMISSION

Mr. KAUAHI. Senator Inouye and members of the committee, Aloha kakou.

My name is Dennis Kauahi and I come before you today as a Native Hawaiian and as a member of the Hawaiian Homes Commission to testify in support of the Department of Hawaiian Homelands program. I am most honored and committed to the service of my fellow Native Hawaiians. It fits well with both my personal and professional beliefs and goals.

Briefly, my background includes 20 years of providing direct social services and the administration of social service programs to the children and families of predominantly Hawaiian homestead communities. In working and interacting with Hawaiian families, you cannot help but come to know and understand the struggles that they face daily—struggles that are so often antiseptically portrayed in the reams and volumes of statistics and studies done on the condition of the Native Hawaiians in terms of their health problems, education, employment, and lack of housing.

We all know about these very important statistics and often too easily accept it at face value. These statistics to us represent people, many of whom are our families and friends. What isn't so apparent to most is that despite these "statistics," the Hawaiian families have endured, and in the process they have not lost their identity or their soul.

It is this capacity that enabled our Native Hawaiians to endure and deal with the issues arising out of the administration of the Hawaiian Home Act of 1920 for the past 60 years—issues and concerns I'm sure this committee will hear of throughout these hearings.

There are many old hurts existing amongst us Hawaiians that need to be acknowledged. It is our struggle and our responsibility to deal with these hurts of the past in regards to the Hawaiian Homes Lands program. We must and will do it in our own way with the spirit of 'oia'i'o ame ka ho'oponopono, through truthfulness, through sincerity, and with a sense of setting things right. By adhering to this cultural concept and believe, we then can continue to forge ahead to meet our goals.

It has been said that the system has worked against the Hawaiian people for many years and it is time to turn the system around and make it work for us. I believe that that time is here.

Not to take away from the progress achieved thus far, we have, at present, a system that I believe is responsive to the housing needs of our Native Hawaiians. Governor John Waihe'e and our State legislature have provided significant amount of monies for infrastructure and operating cost for the Department of Hawaiian Homelands. Together with the Hawaiian Homes Commission, the Director of the Department of Hawaiian Home Lands and staff, we are committed toward working with and meeting the needs of our Native Hawaiians. We will continue to do so to the best of our abilities and with the resources at hand.

We welcome this opportunity and invite you, Senator, and this committee, to join us in this commitment and endeavor to better the conditions of the native Hawaiian.

Mahalo nui loa for this opportunity to testify.

The CHAIRMAN. Thank you very much, Mr. Kauahi.

[Applause.]

[The prepared statement of Mr. Kauahi appears in appendix.]

STATEMENT OF ILIMA PI'IANAIA, CHAIRMAN, HAWAIIAN HOMES COMMISSION, HONOLULU, HI

Ms. PI'IANAIA. Thank you. Chairman Inouye, Congressman Akaka, Delegate Blaz, Delegate Faleomavaega.

My name is Ilima Pi'ianaia. Since January 1, 1987, I have been chairman of the Hawaiian Homes Commission and of the Department of Hawaiian Home Lands.

Along with Governor Waihe'e and my fellow cabinet members, and on behalf of everyone at the Department of Hawaiian Home Lands, I welcome you here. I appreciate this historical opportunity to address the future of the Hawaiian Home Lands program.

During this week we will share with you the status of the program, some history of the Hawaiian Homes Commission Act of 1920, the obstacles that have faced the department, as well as the opportunities we have to better carry out our mission.

Our mission is to manage the Hawaiian Homes Trust effectively and to deliver land to Native Hawaiians on a continuing basis. This trust, which began as an idea in the minds of a Hawaiian prince and a Hawaiian scholar, one of whom went to the United States Congress and the other who served his people in the territorial legislature as a Senator, was given life 68 years ago. It has been a long and rocky road, but there has been constant progress. We are confident today that we are adding to that record of progress.

Governor John Waihe'e, our first Hawaiian homestead governor, has lead a long and concerted effort to take this program into new waters. The governor's commitment to this effort is most vividly illustrated and reflected in his biennium budget for this and next year. The governor requested, and the State legislature approved, over $50 million for capital improvement projects. While this appropriation—which is more than double the previous appropriation for the previous biennium—is unprecedented in the history of the Hawaiian Homes Commission Act, it is only a fraction of what we need.

There are other ways in which the governor and his administration have expressed their commitment to this program. We bring to the Hawaiian Homes program the resources of the entire State of Hawaii. We work as a team. The sister agencies of the State have given my department's project the highest priority.

This partnership of State agencies has lead to joint developments, from the drilling of water wells to planning for the future of Hawaii's fastest-growing harbor. And, although it is not set, also to the expeditious processing of contracts through the bureaucracy.

While our commitment to this program is beginning to show tangible results, there is still so much for us to do. And, as you will surely hear over the next 5 days, we would like to do our job better and faster.

What is it that we have to do? Our most immediate, pressing, and highest priority is to develop homestead lots that have been awarded to Native Hawaiians implementing the recommendations that were made to Hawaii's governor and the United States Secretary of the Interior. These recommendations were made by a Federal task force in 1983.

The Hawaiian Homes Commission accelerated the distribution of homestead lots over an approximately 2-year period. The result was a distribution of just over 2,500 lots. As recommended by the task force, distribution occurs whether or not there were infrastructure improvements available such as roads, water systems, and utilities.

Of the 2,500 lots, about 2,100 lots lack any improvement. As also recommended by the task force, our resources are allocated now to construct improvements on these lots rather than on home construction undertaken by the department.

As you will hear over the next five days, there are many more Native Hawaiians awaiting a homestead lot. The historically slow but steady distribution of homestead lots had discouraged people from expecting to ever receive one. The acceleration program, however, was seen as a bold and positive move within the Hawaiian Homes program. In some areas leases were awarded to Native Hawaiians who had made application in the early 1980s. In fact, on the Island of Molokai we ran out of applicants who were willing to take lots.

This rekindled hope and lead to an acceleration of applications by Native Hawaiians for homestead lease since they could now realistically look forward to a lease award. While the acceleration of awards made a significant dent in the 8,000 applications for homestead leases in the early 1980's, it added to the list thousands—I should really say tens of thousands—of new applications.

During acceleration, the department received about 3,000 applications per month. This has now slowed to about 200 applications a month. Today we have over 19,000 applications for homestead leases.

Our job has thus become a two-pronged effort. While we construct improvements for awarded lots, we must also find the means—including new means—for developing additional lots. A homestead lot without a home doesn't do the job. There must be means for lessees to get their homes built. Significant opportunities have come about for home financing through partnerships with the Federal Government.

The initial partnership was with the United States Department of Agriculture's Farmers Home Administration a decade ago. The second partnership began in late 1987 with the Department of Housing and Urban Development's Federal Housing Administration.

In both of these partnerships, the Department of Hawaiian Home Lands guarantees loans that are available through these Federal programs. These partnerships have lifted the burden from the department as the sole source of home building financing. This is ground-breaking, because Hawaiian home lands are inalienable and liens cannot be placed on homestead leases.

Previously to these partnerships, lenders would not provide loans. We can now begin to use our own loan funds for those lessees who are not served by these programs.

While avenues outside the department for financing home construction have been opened, they need to be opened wider. To get the job done, there are two more things that we in the department see as critical. The first is financial stability and growth. With this State's fiscal biennium appropriations we are on a new course. Not only did we receive funds for capital improvements; we also received, as Speaker Kihano pointed out—and this, too, is historical—State general funds to cover a portion of our operating budget.

Prior to receiving general funds, the department's operating costs were covered by income that it generated from its lands. With general funds provided to us, we can now use income that we generate directly for homestead purposes. This begins a new era in our financial picture.

The new era requires that we improve our financial planning and management. The magnitude of financial resources that we need is great. We must first seek stability in the resources available. If our income is stable and assured, then we can carry out plans and projects with predictability. At the same time, we must make wise investments so that our assets continue to grow.

The second thing that is critical is our organization of our department's human resources. This new era for the program, which brought an acceleration of both leases and applications, as well as increased financing of this program, mandates the need for an organization that can meet the challenge. We have undertaken an organizational and operational analysis, the results of which show what the department needs to do to carry out its various and increased functions.

This analysis looked at what we need to be as a department and what human resources are needed to get the job done. In the very near future the department will restructure itself so that we can be an organization that meets the needs of Native Hawaiians effectively, as well as efficiently.

The authors of the Hawaiian Homes Commission Act were committed to improving the lives of Native Hawaiians. We, today, are equally committed and must focus on the priorities that I have just outlined; namely: Constructing homestead lots, increasing sources of financing for construction of homes on these lots, stabilizing and maximizing the financial assets of the trust, and making sure that we have a department that is organized to meet the challenges of this new era.

To meet these challenges in this new era, Federal cooperation and support is welcome.

Senator and committee members, I have submitted for this day's testimony a very lengthy—I believe it is over 200 pages long—written testimony. That testimony includes a history of the Hawaiian Homes Commission Act. It includes various attachments and exhibits. What I'd like to do is focus on certain parts of that written testimony.

The CHAIRMAN. Ms. Pi'ianaia, you may be assured that the full statement will be made part of the record.

Ms. PI'IANAIA. I have been assured of that, and I appreciate that very much.

The problems that we face today for the Hawaiian Homes program really go back to the inception of the act. Our real goal is to resolve those problems, because once we resolve those we can move faster and with a stronger base.

To really understand those problems I really need to discuss the act and its major provisions, parts of the history of the program, and then I'd like to use that in terms of discussing specific issues.

The act, as we have heard, was originally an initiative of Territorial Legislature. The Senator that I referred to was also an incredible Hawaiian scholar, Senator John Wise. It was with three other members of Territorial Legislature that Senator Wise and other members went to Congress as a Territorial Legislative Committe to urge passage of the act.

Senator Wise especially worked very closely with the prince to make sure that the act got passed. It was signed into law on July 9, 1921.

What the act really did—and still does—is link together Hawaiian people, lands, and financial support. The way it does this is through the provision of leases for homesteading purposes and through the setting aside of lands within the Territory's public lands inventory, and also in establishing a fund for financial purposes.

We have to remember that at its very beginning the homesteading program was set up as an experiment on a 5-year probationary basis, and only for certain lands.

The commission at that time—at the inception of the act—was a five-member commission. We heard testimony this morning—which many people do not know—that the Governor of the Territory was also the chairman of the commission.

This commission was really hung out there. It was not attached to either the Federal Government or the Territorial Government's structures. So basically it was like an independent authority.

The act also provided initially a Hawaiian home loan fund. The loan fund was to be—the source of moneys for the loan fund was to come out of a percentage of the revenues from public lands that were leased out for sugar, and also from water receipts for water licenses. The loan fund was also to receive moneys that were for leases of "Hawaiian home lands," but lands not under the control of the commission.

The loan fund was set to have a ceiling of $1 million, and throughout this week as I talk about ceilings and certain funds, the ceilings meant that once $1 million was deposited into the fund, no more money could be put into it. So even if the commission spent a half million dollars and even if they had rental leases from Hawaiian home lands, once the ceiling was reached that was it. And there is an exhibit in our testimony that shows what happened over that time.

The basic entitlement that the act provided was a 99-year homestead lease, and originally only homestead leases for agriculture and pasture uses were included in the act. There are conditions for homestead leases that were laid out. The first was that the lessee must be Native Hawaiian, and the act defined a Native Hawaiian of any descendant of not less than one half part of the blood quantum of the races inhabiting the Hawaiian Islands previous to 1778. This condition, as you know, is what we call the "blood quantum requirement." And today that condition remains for original lessees.

As Congressman Akaka referred earlier to the amendments that were finally sent up to Congress for consent, the major amendment had to do with successorship to lease-hold interests. The community discussed long and hard lowering the blood quantum for people to succeed to homestead leases. Eventually, the State Legislature passed an amendment to the Hawaiian Homes Commission Act that says that a spouse or children of a lessee must be at least 25 percent Hawaiian. This is a successorship amendment. The basic reason for passing that amendment was so that the lives of families on homestead leases would not be disrupted so that a spouse who did not have 50 percent Hawaiian blood would not have to leave the homestead.

A second condition is that the lease is for a term of 99 years at $1 a year. This condition from the original act remains unchanged. There is great concern because the act is silent as to what will happen at the end of 99 years. The Hawaiian Homes Commission today is looking and feels very strongly that leases should basically be renewed even prior to the expiration of the 99-year period. You will hear testimony this week, I'm sure, about the problems we have in certain loan programs—particularly the Farmer's Home Administration program, which requires for a loan that you have 1½ the length of the loan left on your lease. So for a 30-year loan, you are required to have 45 years left on your lease. The commission is looking at renewing leases prior to the 99-year period so that these types of things can be worked out and that we can access programs like Farmers Home Administration.

A third condition is that the lessee must occupy and use or cultivate the tract within 1 year after the lease is made. Since the acceleration of awards program in 1984, this provision has been liberalized by the commission to allow a longer period of time before occupation occurs.

A fourth condition from the original act that also remains unchanged is that the lessee must thereafter—that is, after taking hold of the lease hold and occupying it—the lessee must occupy and use that tract of land, that homestead, on his own behalf.

A fifth condition is that the lessee cannot in any manner transfer, mortgage, pledge, or otherwise hold for the benefit of any other person his interest in the lease hold except a Native Hawaiian, and then only upon the approval of the commission.

The rest of the world, particularly the lending world, does not understand this provision and feels that making loans on a piece of Hawaiian home lands is a risk.

When you have over 19,000 applications submitted, basically we're the only place in the State of Hawaii where we can tell you who is standing in line should the loan be defaulted upon. We can name that person. We can name 8,000 of them. So we do not feel that this is a risk to lenders.

Finally, the act originally required the lessee to pay all taxes assessed upon that homestead lot and the improvements. Originally the act provided that there would be a 5-year exemption from property taxes. This provision was amended to change the exemption from 5 to 7 years. For your information, because this also is an issue that is raised mainly because of the acceleration program, until we actually subdivide and create lots of record the county tax offices do not begin their assessments on the lots.

Let me talk about the land.

The act set aside certain lands out of the Territorial land inventory to be Hawaiian home lands. When the Hawaiian Islands became a territory of the United States title to public lands vested in the United States while the Territory retained possession and use of those lands. It must be understood that the Hawaiian Homes Commission Act was a compromise between competing interests at the time of its passage. Essentially, those competing interests were people like John Wise who were interested in improving the life of Native Hawaiians and to commercialize their cultural interests within the Territory.

Homesteading existed in the Territory prior to the Hawaiian Homes program. There was, however, no specific provision or preference given to Native Hawaiians. When Senator Wise took the Hawaiian Homesteading program to Congress, there were other proposals at that time for public land law amendments. Specifically, these other proposed amendments would withdraw lands from sugar cane cultivation from the general homestead laws of the Territory of Hawaii and put those withdrawn lands out for lease at public auction to the highest bidder.

These were the public lands in sugar cane cultivation that had been leased out, and these leases—and these states are critical—these leases were to expire between 1917 and 1921.

The period in the development of the legislation that set up this program was a very, very intense period in Hawaii's land history.

The Hawaiian Homes Commission Act named the land that would be set aside out of the public lands inventory and would be identified as Hawaiian homesteads. The lands are identified by their land division or a gross acreage given. The gross acreage was also stated as X number of acres, more or less.

The act included what we call exclusion. From the larger land divisions, certain areas were not to become Hawaiian Home Lands. These exclusions were: First, all lands with forest reservations; second, all lands in sugar cultivation at the time of the act's passage; and, three, all lands held in a certificate of occupation homestead lease that is not a Hawaiian homestead lease—a regular homestead lease—a right of purchase lease, or a special homestead agreement. For some of the Hawaiian Home Lands identified in the act the commission was to select up to a specified number of acres that would become Hawaiian Home Lands.

A major issue—and Congressman Faleomavaega referred to it this morning—a major issue that has been raised for many years is that of the "missing lands." Adding up the gross acreages, the total number of acres of land identified in the act, the tally comes out to 203,500 acres. This gross tally is before exclusions and selections. Researchers in searches can find no maps or other documents relative to the actual portions of land divisions that would become Hawaiian Home Lands. Mrs. Ruth VanCleav, who is here from the Department of the Interior, searched the Department of the Interior for any maps or documentation of the lands so that we could get a better handle on what the Territorial Legislature and Congress identified when it was passing the act.

Because there are no documents, we cannot trace back through our own research exactly what was to be included or surveyed for Hawaiian Home Lands. The department has done extensive research to identify what lands were in sugar cultivation when the act was passed, what lands were in forest reserves, as well as what lands were held by default—a certificate of occupation or some of those other dispositions that meant they were to be excluded from the Hawaiian homelands inventory.

We have been able to identify in our best estimate 187,419 acres as Hawaiian homelands. That's 187,419 acres. This is the best estimate available of how many acres there are today in our inventory.

As most of you also know, with large tracts of land in Hawaii, surveys have really never been carried out. So when we come down to the exact 100th of an acre some day it will be after surveys and such things are done.

I need to make a number of points here, especially regarding what happened in the lands and what our research has shown.

Some of the acreages that are cited in the act for land divisions were way off the mark. We find some acres, on Molokai, where the act refers to 5,000 acres more or less. So while the act talks about 5,000 acres more or less, obviously this is very much on the less side of that 5,000 acres.

The exclusions also, on top of the different acreages cited, amount to a sizeable number of acres. This has been found to be especially true for forest reservations. All of us are islanders, so we know that the physical characteristics of our islands are such that forest reserves are our watershed areas. These are the sources of water for us. These are crucial to our survival.

By the time the act was passed, forest reserves for watershed purposes were well established in the Territory of Hawaii. In some cases these amount to hundreds of acres. In our written testimony we have provided examples of where hundreds of acres were in forest reserve when the act was passed.

The other point to remember is that the public land exclusions also were quite sizeable when we added them all up. And, again, this is detailed in our written testimony.

Another point that needs to be made about the Hawaiian Homes Land inventory and the research that we have undertaken is that we have found that Congressional withdrawals and land exchanges have resulted in a net gain to our inventory. There have been allegations made that through land exchanges we have lost land and lost acreage, and through Congressional withdrawals we have lost acreage. In fact, we have actually gained more land through these actions.

One of the results of our research is that we now have land claims disputes that we have to settle. We are embarking on negotiating our land disputes with other public agencies—specifically, the Department of Land and Natural Resources. There are areas where they claim the same land that we claim, but we know that our research is probably better, and so we are currently entering into negotiations to settle these, and we hope to have that done within the next couple of years.

The inventory of Hawaiian lands that finally became available to Hawaiian homelands were remote and not easily able to be developed. The point has been made earlier today about the poor quality of lands we received. Please remember that this was a compromise between competing interests at that time. Our lands were the ones that were not readily cultivated. Those had already been taken up. So we received the lands that were without water, that had steep slopes, lands that were remote, lands that no one wanted to farm. We did not receive very good lands at all.

We are lucky today in that as the State has grown some of our lands have become extremely valuable. With what is going on in West Hawaii, for example, the 11,000 acres of Hawaiian Home Lands are an incredible opportunity for this program—particularly for homesteading purposes. And it is probably our best opportunity to help us achieve financial stability and growth. Those lands are a high priority for development in the department.

One more point about the land and the management of the land. It was not until 1965 that the Hawaiian Homes Commission Act was amended to allow the commission to manage its own lands. The act originally set up that the commission would only manage lands that were to be homesteaded. Management of the other hundreds of thousands and tens of thousands of acres were under the control of the Commission of Public Lands. The commission was severely restricted.

Basically the entire inventory of designated Hawaiian homelands was not made available for homesteading, nor were they made available for management by the commission.

When we passed the test after that 5-year period and the Territorial Legislature found that this program was okay and this experiment should be made permanent, the Hawaiian Homes Commission Act was amended in 1928 to add a proviso that homesteading could only occur on 20,000 acres per 5-year period. To break that down simply and mathematically, that means that for every year a maximum of 4,000 acres could be homesteaded.

Interestingly, this number is what had been homesteaded during the probationary period, so I guess they thought that that's all that could be handled, especially with existing finances.

It is hard for us today to think that the commission was not recognized as having the capacity to manage its own trust assets. The lands that were not leased for homesteading that were returned to the Territorial Commission of Public Lands were generally leased out to other people and basically provided very little income to the commission to run its program.

Let me now turn to the wait. The Governor this morning said that our goal is to have no list. That is very much our goal. Our vision in house, what we really want to do in house, is to be able to be a one-stop center. A Native Hawaiian could walk in, say they want to sign up and apply, fill out the form, go next door and pick a lot. That is where we want to be in the future. It is going to be a while before we can get there, but that's where we are going to be some day.

Acceleration was a controversial program and still is controversial. It was really with sincerity that the move was made to make a dent in the waiting list. It was really, really important that the dent be made. No one could ever have imagined that today we would have as many applications as we do. I want to point out that I think at that time when 3,000 applications a month were coming in, the applications branch had only three staff people in it and they handled all of that.

We have here some graphs. Basically you have heard about the 30-year wait. In acceleration, what really happened is that for all areas except two—one for residential lots on Oahu and the other for pastoral lots in [Hawaiian word]—except for those two areas the department was able to get into the 1980 dated applications. These basically show the total number of applications by application date. What I really wanted to call your attention to is that the orange on the bar graph shows the applications submitted that we had received between 1980 and 1989. The yellow on that shows the applications in 1970 to 1979. I think that these illustrate that we are in a new era. The purple, which is the earliest, I believe up to 1949, doesn't even show on that. I think that this tells the story that we have now.

This graph on this side shows the current Hawaiian homes leases by the effective year of the lease. And, again, what you have is the earliest date on the right-hand side of the graph—your left-hand side—the different colors are islands, and on the far, the highest bar on that bar chart, is the period from 1980 to the present. I think it tells the story. I don't need to say much else about that. But, basically, some people are still waiting.

To go back to the history of the act, remember that I said that originally the act only provided for agriculture and pasture purposes. By 1923, it became evident that the greatest amount of interest was for residential homestead leases and the act was amended. Today the demand that we have which is greatest is for residential lease.

The other thing I'd like to point out in terms of applications and waits is that a Native Hawaiian can submit an application for a residential lease as well as an application for a pasture or agricultural lease. So essentially we are trying to enumerate the applications we have to see how many individuals we are really talking about.

People today are submitting two applications hoping to see which one will come up first. So basically people are submitting and trying to really get as much as they can out of the program. This is their entitlement.

Let me turn now briefly to money. I know that people don't like to talk about money but that, as you know, is what we need to make our program work.

As I said earlier, when the act was passed and it was recognized that financial resources had to be made available, the Hawaiian Home Loan Fund was established. Again, I'd like to reiterate that it was established with a $1 million ceiling.

The purpose of this loan fund was to try to make loans available to homesteaders—who were originally called settlers—to make loans available so that they could get their farms or their small ranches off the ground. The commission, itself, was not provided with any source of funding for development or operations, so essentially the loan fund was used both for operations and administrative costs, as well as for providing loans to homesteaders. It was out of this fund essentially that roads were initially built, constructed, et cetera.

The funding for this program has gone up and down over the years. What happened is that ceilings were raised, raised, raised until finally, during Statehood, enough loan funds or all different sorts of accounts were provided to us so that we could meet the challenge better.

Today our major source of funding is through the State Government. Today it goes for operational costs for operating budget as well as for our developments.

The source of our funding outside of State Government is through revenues that we generate ourselves. Our projected revenue estimate for leasing lands is at about $3 million for the coming year. That $3 million was used previously to run the program. That $3 million that we generated off of Hawaiian Home Land general leases and other dispositions will now go directly into the homesteading program. At this point we're not exactly sure how it will go into it, but it provides additional umph, additional resources for the program.

Last year was also a historical year in terms of funding. It was you, Senator Inouye, who provided the first Federal funding for this program in the appropriation that you put into the budget for infrastructure development on Hawaiian homelands. There has been talk that it should have been more, it should have been this, it should have been that. The main thing is that it was the first thing, and you have to start somewhere. As you know, we haven't really felt that money yet, but we expect it to arrive here in Hawaii very soon. For that we are grateful to the Federal Government.

We estimate that the amount of money we need—we will look at whatever source we can to get the resources. The amount of money we need for both homestead development that is projected homestead development, the amount of money we need for that and the amount of money we needs to be made available for home construction on these homestead lots—we'll use a conservative figure. It is really $500 million.

We estimate that to construct the 2,100 lots, as well as do off-site improvements from the acceleration program, we're looking at the need for $210 million just for construction, and that's for the commitment that has been made that is going to have to be dealt with.

It is hard for me right now to estimate how true that $210 million is. We compete with other developers in the State of Hawaii for peole to do construction. It is a great time for the construction industry in Hawaii. We cannot predict very well what the cost of construction will be. It has gone up. When times are booming, the costs really do go up. But we figure we need about $210 for construction.

The other part of that $500 million total that I talked about really has to be financing money so that homes can get constructed. Until we put in the infrastructure, until we get the roads, the waters, the utilities in, until we have that done our lessees cannot qualify for loans. We have had great success so far with Farmer's Home. We are looking for greater success because they really serve a large number of our clientele.

We have only begun with Federal Housing Administration with the FHA program. It has been slow getting off the ground, but we expect it to move ahead.

But to qualify for these programs and other types of loans we need infrastructure. Without the infrastructure, the lenders won't even look at your property.

I just want to wrap up. I have just highlighted a few things. I think you have been aware of many of them. You have and will be having more and more testimony from us throughout the week. During the next 4 days we will be going into more detail about the items that you have asked us to address. At the end of these hearings what will be established is the best record in history that has ever been written on the Hawaiian Homes Commission Act and its program. That record needs to be widely distributed. We need people to understand who we are. We need them to understand that we've done the best we could. We know we can do better. They need to understand that, and they need to know how they can assist us.

We look forward to the next 4 days with you. We will develop more areas where the Federal Government can assist us. And by the time that the week is over and the record is established I'm sure that there are going to be areas that you will help us get access to within the United States of America.

Thank you, Senator. Thank you, Congressmen.

[Applause.]

[Prepared statement of Ms. Pi'ianaia appears in appendix.]

The CHAIRMAN. Ms. Pi'ianaia, on behalf of the committee I thank you very much. I would like to publicly thank you and your staff for the bountiful cooperation and assistance you have provided this committee and staff in preparing for these hearings.

As indicated by Ms. Pi'ianaia, the Hawaiian Homes chairperson will be with us until Friday when we close the hearings. Today their presentation covered the history and a general overview of some of the problems faced by her department. Tomorrow we will be looking into the status of the recommendations—the 134 recommendations—that were made by the Joint Federal-State Task Force. And on Wednesday we will be looking into water programs, leasing policies, and agricultural issues. And on Thursday a very controversial matter, standing to sue for the breach of trust. And on Friday we will be discussing land exchanges, community development, and economic development. So Ms. Pi'ianaia will be with us throughout the next 4 days, and I thank her very much for the cooperation shown us.

Ms. Pi'ianaia, I was very interested in a statement you made that some of these lands, although originally barren and without water, have now suddenly become very valuable. Can you identify those lands?

Ms. PI'IANAIA. We can start with this island. I think most of our lands, as growth has taken place on each island separately and as it has grown, our lands have become the next place for development.

Give us a little water—we're developing drilling water wells right now—and we have not only value in terms of homesteading, but to be able to match up homesteading with employment opportunities because there are jobs being created in West Hawaii. But we also have the lands that are just inland from the harbor. The harbor is the fastest-growing harbor in the State of Hawaii, and essentially we have opportunities there to create industrial and commercial backup to the harbor, so the harbor is extremely important.

On the other side of the Big Island our lands have become very valuable. With the growth on the other side of the island, the center of growth has shifted, and so we have lands there that are—at one time they were sort of out in the country, but now they are not quite suburbs. And we also have commercial opportunities. We have the largest regional shopping center on any neighbor island throughout the State on this land.

Other areas? Senator Crozier mentioned the Kula Lands. It is really wonderful to think about the lands in upcountry Maui. Those lands, over time, have become extremely valuable. If you look at those lands, they're not only valuable from an economic standpoint; they are aesthetically valuable.

I think, Senator, that I could go through just about every island and identify lands. The main point to make is that over time development has caught up to the location where our lands are and we now have opportunities that we've never had before.

The CHAIRMAN. You indicated in your statement, Ms. Pi'ianaia, that the major source of funding for your activities is the State Government and that income from general leases amounted to about $2 million?

Ms. PI'IANAIA. Our estimate for the coming year is $3 million.

The CHAIRMAN. That is $3 million? Can you describe for us where you are getting this?

Ms. PI'IANAIA. Basically the major source of these—well, let me back up. The picture of income produced by general leasing has changed radically over the years, especially the past several years. Most of the lands that were generally leased out produced revenue in pasture or agricultural use—not very high yielding types of uses.

Within the past—well, really since the mid 1960's—it has been a major goal to generate income from higher yielding types of leases and less lands—essentially, less numbers of acres.

A major income producer right now is lands that we acquired through the land exchange that was the settlement, essentially, on the airports case—lands that had been used for airports that were Hawaiian homelands. These are in what we call the [Hawaiian word] flatlands. We have about 20 acres or so that are now generating the bulk of our general lease revenues.

The other area that generates general lease revenues is industrial and commercial in Hilo.

The CHAIRMAN. How do you determine the lease rental?

Ms. PI'IANAIA. The lease rental is determined by an appraiser, and we go to public auction, public bid, and it goes to the highest bidder.

I have to put an insert in there because in 1978 the Constitutional Convention authorized us to give preference to Native Hawaiians for general leases. It is the commission's policy and has been the commission's policy since then to go first to Native Hawaiians for general leases. If it were a group of Native Hawaiians or a number of bidders of Native Hawaiian ancestry, essentially we would start with the set price that was determined by an appraiser and then it would go to the highest bidder at that auction.

The CHAIRMAN. On the matter of land exchanges, you indicated that you came out with a net increase of acreage?

Ms. PI'IANAIA. We got more than we gave.

The CHAIRMAN. I believe the intent of land exchange was to make certain that you received land of comparable value. Are you satisfied that you received land of comparable value? Because a small parcel may be worth more than a large one.

Ms. PI'IANAIA. This is a major issue in the act and in the community. The act requires to set certain ways we can—reasons for a land exchange. Essentially, the act says that any lands we exchange must be on a value for value basis. As you say, a smaller number of acres may be more valuable than a larger acreage. In looking at the exchanges, we are basically pleased that we have received lands of comparable value.

The CHAIRMAN. Thank you very much.

Ms. PI'IANAIA. Thank you, Senator.

[Applause.]

The CHAIRMAN. Congressman Akaka.

Mr. AKAKA. Thank you very much, Mr. Senator.

Thank you for your report Ilina. We look forward to the next few days of your reports.

My first question to you is about the 25 percent survivorship effect on the Hawaiian homelands people. Prior to its passing it was a controversial issue in Hawaii. I understood that most of the Hawaiians who were in favor of it were homeland lessees, and those who were not lessees were not in favor of it. Now, since that bill has passed and is in effect, what is happening to the Hawaiian people on that issue?

Ms. PI'IANAIA. On the issue or on——

Mr. AKAKA. On the effect that the 25 percent has had.

Ms. PI'IANAIA. Essentially, since successorship or survivorship amendment became effective in 1986, what has really happened is that there have been very few families who have had to leave the homesteads. It was a bit rough in the beginning, but we have really seen that people have grown up on the homestead no longer have to leave it because they still qualify. It has served its purpose. Its intent is being carried out.

Mr. AKAKA. I know that since this was unprecedented I understand that there were less delegates from the Samoa to talk about it, and I found that there were interests by other native groups in such an idea. The reason for that is that the pure stock is decreasing, as in the Hawaiians. And we find that by lowering it we are able to take care of their needs. Now, my next question on that is: can you foresee any recommendations to lower it?

Ms. PI'IANAIA. At this time I really can't see any recommendations to lower it. Let me tell you why. We have 19,000 applications. They are all from Native Hawaiians. You have to be 18 years of age or older to apply for a Hawaiian Homes lease.

We heard earlier this morning that the 15 to 24 year old age group of Hawaiians is rapidly growing. It seems that there are more Hawaiians with more blood quantum in the younger age groups than we had expected.

Essentially what seems to be happening is that Hawaiians are marrying Hawaiians.

[Applause.]

Ms. PI'IANAIA. And for the purposes of this program, until I can satisfy the 18,000 applications, I don't think we even have to think about lowering the blood quantum. We have to meet the demand that we have now, and that's going to take a while.

[Applause.]

Mr. AKAKA. It seems as though the concept of homesteading may be changing. At one time, as you pointed out, there was an emphasis on agricultural lands, yet there was a need for the residential subdivisions, so there was a division there. What is the present concept of the Hawaiian Homes Commission toward what could be called homesteading?

Ms. PI'IANAIA. Our present position is that through the 99-year lease essentially what we are doing is making available entitlement that the Native Hawaiian is supposed to be getting. We can look at it piece by piece—a lot, a lot, a lot, a lot. What we're really talking about is developing communities. We're talking about homesteading in its contemporary form. We're talking about homesteading in the 21st century.

Our greatest demand is on the Island of Oahu where we have the least amount of land. For the Island of Oahu, a single family detached home is a luxury. We are forced to look at how we develop communities, whether we go into townhouses, condominium-type things, higher density uses. We are talking about perhaps not homesteading, per se—and homesteading, of course, had its origins on the mainland to the certain type of form. We're talking about good development of good communities for Native Hawaiians.

Mr. AKAKA. Finally, let me ask about—you made a remark that Hawaiian Home Lands managed only homestead lands. Does that mean that there are lands that are destined for Hawaiian homelands that are not being managed by you?

Ms. PI'IANAIA. Let me go back into the history of the act. The act provided that the commission could only manage those lands that were put into homesteading use and the acreage that could be homesteaded was limited by the act. Other Hawaiian homelands, the lands that were not being homesteaded, in Territorial times were under the Commission of Public Lands; and then, up until 1965, the successor to the Commission of Public Lands, the Department of Land and Natural Resources.

We essentially are managing all of our own lands. We have a couple of large areas that we were leased out prior to 1965, and these are still Department of Land and Natural Resource leases. These will be expiring within the next 3 or 4 years. When those leases expire, we will have those lands back for our own disposition and management.

Mr. AKAKA. Thank you very much, Mr. Chairman.

The CHAIRMAN. Thank you.

Delegate Blaz.

Mr. BLAZ. Thank you, Mr. Chairman.

If you were to take the land that you now have—which is about 187,000 acres, I believe—and we could speed up the process through some magical effort on the Senator's part——

[Laughter and applause.]

Mr. BLAZ. I'll favor that. [Laughter.]

If we could speed up the process—seriously, this is a very, very important thing. I must say that unless we do it, it is like digging in the sand. Therefore, why don't we talk in terms—if we get a number here of 187,000 acres, tell me: If things were to be sped up, do you have enough land for all the applicants so we can solve this problem?

Ms. Pi'ianaia. Yes; we do.

Mr. Blaz. Assume we have a perfect world. Instead of giving us this whole litany of 45 pages, if you only had two choices what would be the number one thing you would like to see happen? What would be the number two?

Ms. Pi'ianaia. The number one thing I'd like to see happen is that we get the bucks.

[Applause.]

Mr. Blaz. The what?

Ms. Pi'ianaia. The money.

Mr. Blaz. You want $100 billion, right?

Ms. Pi'ianaia. At least. [Laughter.]

Mr. Blaz. One stealth bomber, right?

Ms. Pi'ianaia. One stealth bomber. [Laughter.]

Mr. Blaz. What's number two?

Ms. Pi'ianaia. Number two is that for this program we essentially work ourselves out of business. There should come a time when there is no Department of Hawaiian Home Lands. That's the second thing.

[Applause.]

Mr. Blaz. I must apologize to the Senator for what may have appeared a flippant remark. I was just trying to be complimentary. [Laughter.]

But, you see, I think after 45 minutes you've got me to the point where I don't know if I can listen any more.

[Laughter and applause.]

Mr. Blaz. We've got to get off the dollar here because otherwise it is just comme ci comme ca. [Laughter.]

Anyway, I enjoyed it very much. I intend to do what I can after I get stung by the Senator here. [Laughter.]

Thank you very much.

Ms. Pi'ianaia. Thank you.

[Applause.]

Mr. Faleomavaega. Thank you, Mr. Chairman.

I certainly would like to commend Ms. Pi'ianaia for a profound statement that has been presented before the committee. It was certainly educational for the members of the committee.

With due respect, Mr. Chairman, you, as a member of the House of Lords. [Laughter.]

I have a comment to make concerning my distinguished friend from the Territory of Guam. He happens to be the only general that we have in the Congress. [Laughter.]

I am very happy to say that my good friend Ben Blaz is a retired brigadier general from the U.S. Marine Corps.

[Applause.]

Mr. Faleomavaega. I really appreciate the statement that has been made. Mr. Chairman, I do apologize, but this is the only chance that I have in asking some questions to Ilima so I hope you'll bear with me on some of the issues that she has presented.

The Chairman. That is why we are here.

Mr. FALEOMAVAEGA. Before that, too, I certainly would like to recognize a very dear person, an individual who has been my Hawaiian mother, mom Agnes Cope, who is with us this afternoon. I'm so happy to see her, Aloha, mom.

[Applause.]

Mr. FALEOMAVAEGA. I have had the opportunity to read in the Congressional proceedings on how the Hawaiian Homestead Act was provided. And I might also add, Mr. Chairman, as a sad commentary on the history of the Congress, how all of this came about. It seems to me that there never really was an interest by the Congress to provide for the needs of Native Hawaiians, despite the passage of this act.

[Applause.]

Mr. FALEOMAVAEGA. I have one provision of the act that I have some very serious concerns about, and this is just one of those things that the Congress managed to bungle and really mess up royally not only for the Native Hawaiians but also for the Native Americans. I go back to the provision of the 50 percent blood quantum. And I'd like to ask Ilima—I know you had nothing to do with this—what is a 50 percent Native American or Native Hawaiian? It so happens that we in Samoa also adopted this crazy provision of a 50 percent—it's just like we're breeding horses, if you'll excuse the expression. [Laughter.]

To me it is a racist, discriminatory statement toward human beings. I'd like to ask Ilima, if you were 49.9 percent Hawaiian, does that make you any different from a 50 percent Hawaiian? Does it make you any better or any worse than someone who was 72.9 percent Hawaiian? What is your opinion, Ilima, concerning the blood quantum that Congress has come up with since 1921?

Ms. PI'IANAIA. Congressman, that's a difficult question. I think you're asking me for something that is quite a personal thing. But I'd like to point out that originally the proposal was 1/32 Hawaiian blood. I find it ironic that I am managing a program for which I cannot qualify because of blood quantum. I find it ironic that this 50 percent blood quantum—I don't feel any less Hawaiian, and I think in many ways culturally I have been raised to be extremely Hawaiian.

[Applause.]

Ms. PI'IANAIA. But it is so divisive within our community, and I think that's where there is a lot of pain.

Mr. FALEOMAVAEGA. I know. And I know the sensitivities associated with this blood quantum—especially that in the past for categorization of all those who qualify in the listings that because you had to be 50 percent Hawaiian, I could just imagine the difficulties in trying to get documentation of genealogies to prove whether you were—and I see the complications involved even at the present time with the listings that we have for those who qualify. But I just wanted to solicit your opinion on what we can do in Congress to improve on this.

Now, I know it is a sensitive issue, and with due respect to all of our dear Hawaiians who are 50 percent blood or above—and I daresay I don't know what the statistical data is about all those who are below the 50 percent quantum, but I would assume that perhaps the majority of Native Hawaiians who presently live right now in the State of Hawaii are below the 50 percent quantum. But I don't think we ought to disassociate ourselves to provide for those who do meet this racially drawn act that was done by the Congress in 1921. I just wanted to ask you what your thought was.

On the missing lands, can you just kind of be a little more specific in exactly how we ended up with this missing land we keep hearing about?

Ms. PI'IANAIA. May I make a comment on your previous one on blood quantum? You have asked me a hard question, and I'd like to think about it more and respond to you in writing.

[Information to be supplied appears in appendix.]

Ms. PI'IANAIA. Essentially, in terms of the missing lands, missing is in quotations because once you do all the adding and subtracting you really are not missing land. It is really hard. You can just add up the numbers in the act and you would think that there would be this many acres of land. But once you take all the exclusions away and look at selections there are four areas essentially that the commission had to select from—four land divisions where they had to make selections. The record is clear that there are no missing lands.

Mr. FALEOMAVAEGA. Another question. I think it is without any question about the fact of the history that literally the big five were the controllers of the economy at the time. I wonder what is your opinion that perhaps the big five could be contributors in part of some of these things that we need for the Native Hawaiians? I ask the question. You said the exclusions of those lands that were primarily alloted to be used for agricultural plantations—sugar, pineapple—were some of those lands supposed to be for Native Hawaiians, or was it purposely excluded by those who were involved?

Ms. PI'IANAIA. I think the answer to your question is the latter part of what you just said. They were purposefully excluded.

Mr. FALEOMAVAEGA. And how much acreage does that involve?

Ms. PI'IANAIA. I would have to go back and look at it and get the numbers, but we can get that to you.

Mr. FALEOMAVAEGA. Can you provide it for the record, please?

Ms. PI'IANAIA. Yes, sir.

[Information to be provided appears in appendix.]

Mr. FALEOMAVAEGA. I think it is without any question in 1921 that Congress never really intended to help Native Hawaiians, as I mentioned, despite the good intentions of Senator Wise and Prince Kuhio. We know that. The intent was never met, given the fact that they were never given the proper tools or even the opportunities. They were given alloted lands that never had any water, so how can you really promote agricultural production among the people when you don't have water?

You indicated that there is a need of approximately $500 million to do a really good infrastructure program if we're serious about providing housing for Native Hawaiians. Do you think that perhaps the State can do it on a matching basis with the Congress in partnership, perhaps?

Ms. PI'IANAIA. If you go back to the Federal Task Force recommendation—let me just clarify. The $500 million isn't just for infrastructure; it is for infrastructure and home construction. If you go back to the recommendations of the Federal-State Task Force

Report, the recommendation was to match the financing for the department for the United States of America with the State of Hawaii.

I think basically what the record shows is that the State of Hawaii has lived up to their end. We haven't seen the match on the other side yet.

Mr. FALEOMAVAEGA. I know my good friend, the distinguished gentleman from Guam, one third of the Territory of Guam is military and Federally owned. My question is: How much land in the State of Hawaii is federally owned?

Ms. PI'IANAIA. I don't have that right off the top of my head.

Mr. FALEOMAVAEGA. Can you provide it for the record?

Ms. PI'IANAIA. Sure.

[Information to be provided appears in appendix.]

Mr. FALEOMAVAEGA. You mentioned the provision of the Congressional act about the 99-year lease. Would you suggest that we could amend the law of the 99-year lease subject to renewal should be amended accordingly so that——

Ms. PI'IANAIA. I believe that is really a legal question whether it would need an amendment or whether the commission could just renew. I think that's a legal question that I'm not prepared to answer.

Mr. FALEOMAVAEGA. There were some questions raised earlier, also, about the whole concept of sharing. I know this is a new catch phrase now among the Members of the Congress—burden sharing. I appreciate your concern that certainly the department and the Administration is doing all it can to provide fkr the needs of the Native Hawaiians— especially when it relates to homelands. My question is: could there be a more burden-sharing partnership relationship? I sense that some of our community leaders here do not want the Congress to tamper with the needs of Native Hawaiians—especially as it relates to native lands.

Ms. PI'IANAIA. I think what we're looking for, Congressman, is a partnership. And for the Hawaiian Home Lands program we're looking for a partnership.

There are programs that we can access so that they can give us special attention. We need to partner. I don't think it is burden sharing; I think it is partnering.

Mr. FALEOMAVAEGA. I observed the maps that were given to the members of the committee and note with interest that the Island of Oahu hardly has any homelands or Hawaiian homestead lands. It is quite obvious that if I were a Native Hawaiian whose job opportunity was only here in Oahu and living in the outer islands where there are less opportunities for employment, do you see the complication? Why is it that there are so few lands here in Oahu? Is this just the way it was devised?

Ms. PI'IANAIA. I think it was the way it was devised, but it was also the history of development of this island and other islands.

I should point out, Congressman, that we have recently had a shift in where applications are being made, and that shift—for the recent applications we now have more applications for the Island of Hawaii than we have for the Island of Oahu. And I think this reflects that people know where the next growth area is and where those jobs are.

Mr. **Faleomavaega**. I noticed, also, that there are three basic classifications for the application for homestead lands in agricultural, pastoral, and residential. Can you provide for the committee the percentages not only in terms of the applications but the uses of the land under these three categories? I assume residential is probably the most predominant.

Ms. **Pi'ianaia**. In terms of number of leases, yes, but we will provide that. I believe it is going to be in our written testimony later in the week.

[Information to be provided appears in appendix.]

Mr. **Faleomavaega**. Do we have a lot of Native Hawaiian farmers in the State?

Ms. **Pi'ianaia**. We do not have very many Native Hawaiian farmers.

Mr. **Faleomavaega**. So basically for agricultural and pastoral purposes you are leasing some of this land for agricultural—

Ms. **Pi'ianaia**. The agriculture has to be put into the larger picture of agriculture in Hawaii. We have lands leased out, for instance, on Molokai for agriculture use. Those, at one time, were under planting agreements with the pineapple companies.

There are young farmers who are trying to make a go at it. We have some very, very successful farmers on Molokai. But there are problems not just for the Hawaiian farmer, but for farmers in Hawaii, in general. It is a hard question. It is a hard situation.

Mr. **Faleomavaega**. Ilima, I have other questions that I'll submit later, but I want to thank you personally for your outstanding performance not only for the presentation, but certainly as an outstanding leader in our Native Hawaiian community.

Thank you very much.

Ms. **Pi'ianaia**. Thank you.

[Applause.]

[Questions and answers appears in index.]

The **Chairman**. Ms. Pi'ianaia, I have a few questions I would like to ask. Before I do, I would like to note that there is one Federal program that calls for a blood quantum, and that is the Hawaiian Homes. For all of the other programs such as child and maternal care for Native Hawaiians, the Native Hawaiian education act, and the Native Hawaiian health act there is no blood quantum. As long as the beneficiary can trace his or her ancestry to the time before the coming of Captain Cook, that person would qualify.

And on the matter of blood quantum we have another problem. The income from ceded lands is supposed to be used for the benefit of Native Hawaiians. And the State of Hawaii has somehow interpreted this to mean that a Native Hawaiian is one with 50 percent Hawaiian blood. Isn't that correct?

Ms. **Pi'ianaia**. It is by the State Constitution.

The **Chairman**. So the blood quantum is a problem that I think has to be examined by the Hawaiian community. We, in the Congress, would be ready to act because we have felt that it has been very divisive, and therefore in all of the other programs we did not use the blood quantum.

I have received dozens of letters from those who are waiting inquiring why we should have a statewide waiting list. If you are from Molokai, shouldn't you get the first crack at a lot from Molokai? Why should an Oahu person be able to get a Molokai lot? What is the policy?

Ms. PI'IANAIA. The policy is that a person can apply for the island of their choice. What we are finding out is that recently—and this happens all the time—as you know, Senator, many people left the other islands and came to Oahu. We are finding that people are applying for the islands where they were born and where their roots are. Many people may reside on Oahu, but they're going home again. It is a policy of the commission that it is the people's choice for which islands they want to apply for.

The CHAIRMAN. Some of these letters suggest that your department should delegate some of your responsibilities to other State agencies such as in housing, and that you would carry on the monitoring functions. What do you think about that?

Ms. PI'IANAIA. I'm not sure I'd call it a delegation. As I pointed out, we work very closely with other State agencies. Let me give you an example—not the housing example, but our exploratory water well that is being drilled. We are not doing it. It is being done by the Department of Land and Natural Resources. In housing, we are working with the Housing Finance Development Corporation. We are also working with Hawaii Housing Authority. We have always worked with them.

So, in a sense, what I see is not a delegation of activities and responsibilities, but within the State Government system there are agencies who are doing things with us and for us already. And in terms of something like housing, if there is an agency that does it better, then we're going to partner on that agency in helping us to get it done.

The CHAIRMAN. I note that your policy includes community development. I have received a communication from community leaders, homestead association leaders and such, who, in response to this policy, have suggested that they should assume greater control over their destiny and over their community. What is your policy?

Ms. PI'IANAIA. Basically the homestead associations are the groups that we want to work with. Because of the department's attitude towards lessees, homesteaders creating their own community, that is essentially what happens in any neighborhood. If they need community facilities, they need certain things to happen. And as a community they should be able to really have those kinds of developments.

I need to stress it has to be as a community. I think if you take a subdivision where you start a subdivision you never know what the community is going to be like because it is a group of people who come together and it develops over time and has its own spirit, and it does, in many ways, take control of its own destiny.

The CHAIRMAN. I notice that a few of the communities have been incorporated legally. Do you recommend that these homestead associations pursue the process of becoming legally incorporated?

Ms. PI'IANAIA. It would really be what they want to do as their community associations.

The CHAIRMAN. You have noted—and I think we all agree—that these community associations are very important. They give you the feeling of belonging. Are the community associations and their leaders authorized to provide input in your policymaking?

Ms. Pi'ianaia. Of course they are. The term "authorized" is something that I—they can provide input. Yes.

The Chairman. Do you call upon them for their recommendations?

Ms. Pi'ianaia. We work with them, particularly in the planning process.

The Chairman. My last question: I note that you do give preference to Native Hawaiians. Do you give the same preference to Native Hawaiian contractors in the construction of your infrastructure?

Ms. Pi'ianaia. Not at this time, because we are bound to the State contracting process.

The Chairman. Are you recommending that the law be amended so that Native Hawaiian builders and contractors be given the preference over non-Hawaiians?

[Applause.]

Ms. Pi'ianaia. That would be something to look at.

The Chairman. I think that might be a good idea.

[Laughter and applause.]

Mr. Faleomavaega. I have a follow up question here for Ilima. You mentioned earlier there was the use of the 50 percent blood quantum as the basis of the interpretation the department has made on the issue because it is under the State Constitution. The State Constitution adopted a 50 percent blood quantum because of the Federal law? Is this the reason for the——

Ms. Pi'ianaia. Basically yes. Yes.

Mr. Faleomavaega. But under the Federal Constitution I don't think we have 50 percent Americans. [Laughter.]

What I am saying is that if it is just by Federal law, what happens if we amend the Federal law at a different quantum than what it is now? Would the State Constitution also then have to be amended accordingly?

Ms. Pi'ianaia. That's a very complex question that I'm not prepared to answer because you have to go back and look at the compact with the United States when we became a State. It is a very complex question. I'm not sure I can answer it.

Mr. Faleomavaega. Basically my problem with this, Ilima, is that Federal statutes can be amended all the time, and if the State has adopted this provision of the 50 percent blood quantum based on the Federal statute, then perhaps a change can be made and not necessarily based on the Federal Constitution. And you know how difficult it is to amend the Federal Constitution. I'm ~~just~~ noting that. I wanted to bring that out for possible amendments, and then where can we go. The State Constitution may have a different line on that.

Thank you.

[Applause.]

The Chairman. I am certain all of us here will agree that you have done a good job, Ilima. Thank you very much.

Ms. Pi'ianaia. Thank you.

[Applause.]

The Chairman. Now it is my pleasure to call upon the former chairman of the Department of Hawaiian Homes Lands, the Honorable Billie Beamer.

[Applause.]

The CHAIRMAN. Ms. Beamer, it is nice to see you again.

Ms. BEAMER. Nice to see you, Senator.

STATEMENT OF BILLIE BEAMER, FORMER CHAIRMAN, DEPARTMENT OF HAWAIIAN HOMES LANDS, HONOLULU, HI

Ms. BEAMER. I recommend that your first appropriation to Hawaii be to the State for a new PA system in this auditorium.

[Laughter and applause.]

Ms. BEAMER. Congressman Akaka, nice to see you, too. Congressman Blaz and Delegate I can't pronounce your name, but it is nice to have you with us. [Laughter.]

After 68 years of absentee Congressional supervision. [Laughter.]

Your attention to DHHL is welcomed, very much needed, and appreciated.

I have so much to say. I think I need 3 days. [Laughter.]

But I am Billie Beamer. For nearly 4 years, from January 1, 1975, to 1978 until I committed the folly of running for lieutenant governor and was soundly stomped. [Laughter.]

I served as chairman of the Hawaii Homes Commission. It has been a decade since I left, and during that time period the changes in the guiding policies and the philosophic undergirding of the act renders its purposes and provisions substantially altered.

You ask the question of what the roles of the Federal Government and the State are regarding the Hawaiian Homes Commission Act. My answer is still the same answer I would have given you 10 years ago: the role or mission of DHHL, your responsibility and the State's, is to place the landless in affordable, decent homes in a safe and sanitary environment on a parcel of their own. DHHL is the only Hawaiian entity with a land resource designated for that purpose.

[Applause.]

Ms. BEAMER. But in 1983 the Federal Task Force established a new operating philosophy. In recommendation 14 they say there shall be no discrimination against Native Hawaiians at either end of the economic scale. They speak primarily about discrimination of the rich.

I say why not discriminate in favor of the landless? Their exclusion in the various land distribution schemes is a long Hawaiian tragedy which formed the justification for the Hawaiian Homes Commission Act.

In act one they are excluded by their own chiefs and kings who gave foreigners of every race and ethnicity royal wives and thousands of acres of land, while the commoners remained landless. To further their humiliation, they were indentured to the foreigners to work their new massive estates.

In act two they are excluded in the great land giveaway. Two hundred and fifty chiefs, or 2 percent of the natives receiving land, are granted 98 percent of the acres awarded to natives—1.6 million acres of land.

In comparison, 10,000 commoners received less than 30,000 acres of land. Charles Reed Bishop filed a personal claim for 45,000 acres ceded to him by the king. This was more than 15,000 acres of land than the 10,000 commoners received amongst themselves.

In act three Kuhio uses the Hawaiians in trade to benefit the planters' lands. Over and over he said we don't need the funding from Congress. The Hawaiians don't need the good land; the planters need the good land. Delegate, you ask why Congress ripped off the Hawaiians? When you are asked to vote about something in Indiana that you know nothing about you are dependent on the representative to sell that program to you. Our own native politicos used the still landless for political leverage.

But to the commoner, at least this program promised 203,000 acres for their use. Even though it was considered worthless, it was land for them.

If we apply the same ratio to the graded, socially divisive ancient society of three-fourths or more being of the landless non-divine class, we could guardedly assume that in 1920, of the 41,000 Hawaiians and part-Hawaiians, 31,000 would qualify for land in 1920.

Congressman Akaka, when you introduced House Joint Resolution 17 you enunciated—this was in 1985—that the Hawaiian Homes Commission Act was passed with the purpose of rehabilitating Native Hawaiians by returning them to their land to regain an ancestral way of life, to gain economic and social benefits through farming, ranching, and affordable housing. I do not observe, Congressman, that the landless have been accommodated and that the purpose you defined 4 years ago has become obsolete.

Those without a parcel to call their own are still deserving of our ongoing priority to place them on improved lands with housing accommodations.

It would appear to me that the Hawaiian Homes Commission must focus on this target group before playing footsies with the landed.

I submit to you a brief resume of my term to validate the worth of my testimony. During the time frame of my term, a creative and committed staff and commission was responsible for 1,300 new homes, farm, and ranch awards. This is a complete package. The package was augmented by 300 replacements for dilapidated hovels that in any other subdivision would have been condemned, but on Hawaiian homelands the human indignity was ignored.

Our operating philosophy was that DHHL was a program of restitution—restitution to the majority who have been historically bypassed, excluded, and denied opportunities for ownership of a plot of their native land.

However devious the basis for its creation, the Federal HHCA still reached out to them with provisos for new opportunities and new beginnings to allow the planting of their roots and footing on the land of their birth, but no one had done very much about it.

So we identified two major priority phases. Priority one, to get the people on the land, on improved lots as expeditiously as possible. We would place the landless on the land first. We would only award improved lands with a choice to select a home from a housing package or to act as an owner-builder. Home awards were weighted over farm and ranch awards.

We would provide loan accommodations for every lessee with interest ranging from 1 percent to 8 percent—$8 million in Farmer's

Home Loan funds were utilized. Even welfare disability recipients were accommodated by crediting their housing stipends to the mortgage due.

We enforced the provision that the awardee must occupy the land within 1 year. We were not interested in adding to an estate of the landed Native Hawaiian for a second or third home. It was too much work, anyway, to get one person on the land. We were committed to those without a land base.

We stipulated that the awardee could only receive a farm or ranch award if he resided on the island where the lot was located.

In priority two we pursued amendments to the act which would allow the lessees to use the land and its improvements as any bona fide owner would do—to have the authority to name his own heir and to use the equity he accumulates for his own personal investment portfolio.

Girded with this working philosophy, DHHL became the second largest developer of homes. We were delivering 300 units per year in a State with a chronic housing shortage, and an average home construction delivery rate of 1,500 units. This little, ignored department was delivering 20 percent of all the homes built in the State.

Last year, 1988, 1,478 single family units were built in the State. Together, all governmental entities accounted for only 79 of that total. DHHL contributed less than 20.

With the approval of the Governor and the Legislators, more than $75 million was appropriated, approved, and expended for planned development subdivision packages, off-site improvements and the long overdue housing program. The staff was mobilized to produce. By 1979 they were responsible for the construction of nearly 50 percent of all homes on Hawaiian homelands—new and replacement.

Concurrently, corrective legislation was introduced in 1976-1977 to reduce the required blood quantum of successors to allow their inheritance. It took 8 years before the State submitted the legislation to Congress. I disagree with Senator Crozier that you should get out of the act. Please remain.

[Applause.]

Ms. **Beamer**. In 1985, Congressman Akaka introduced Joint Resolution 17. Within 1 year that measure was passed. So the delay was here at home, not in Washington.

[Applause.]

Ms. **Beamer**. And I'm not running for office. [Laughter.]

To preclude circumvention and tampering, the waiting list was updated and banked in an automated system. Each applicant was given a number to guarantee his place. The number was his surety that he could never be superceded, that when awards were given, rank numbers were to be publicly posted. The succeeding administration junked the system in 1980 favoring manual information manipulation.

The department records were in a state of disgraceful disarray after 50-some years. Our extensive, exhaustive housekeeping records are listed and detailed in the annual reports of 1975 to 1979.

Then, in 1980, the bubble burst and the momentum stopped. All systems and policies to establish equitable distribution of 300-plus complete awards a year were dismantled. Reversion to the old style of doing business was reinstated.

The Task Force of 1983 proposed these policy items: that Hawaiian Home Lands was an entitlement for all Hawaiians, rich or needy; that there should be no discrimination against Native Hawaiians at either end of the economic scale—those with land or those with limited assets; that the lessee need not be required to reside on the land; that the department should not build houses—this was left to the lessee on an individual basis; that an awardee of a ranch or farm lot need not reside on the island where the lot is located—some reside on the mainland. How to you justify that kind of award? That the commission should award raw lands in an acceleration program. Raw lands. They shattered the already fragile soul of a very delicate program.

All of these changes benefitted the wealthy Hawaiian— the property owner—and not the landless, the individuals for whom the act was intended. The new philosophy seems to be one in which the lands of DHHL are used for reparations to all Hawaiians regardless of economic standing. Put the map on the wall, divvy up the lands, and hand them out to whomever comes in. With this new philosophy, DHHL issued only 20 new homes last year.

I submit to you a recap of homes built by DHHL. Please, if you want to follow me, turn to page 11. From 1975 to 1979, 1,632 homes were built in a 4-year period. This includes replacement homes. But that is an average of 408 homes a year. The largest land builder today in Hawaii only builds 400 homes a year.

From 1980 to 1989, a 9-year period, 468 homes were built—52 a year. This includes replacements. These are not all new homes.

FHA reports as of July 9 only 36 approvals received from DHHL to date. Sixty-eight years after passage I must differ. We do not have 5,800 or more lessees. We only have 3,300 who have received legitimate awards in which they can move on that land tomorrow.

[Applause.]

Ms. **Beamer**. The award of 2,500 unimproved lots is a replay of the Kuhio saga of giving out lands without water and improvements to his people because he believed they would have been pacified and grateful with any kind of land award.

Surely the old time lessees can remember. And surely, after all the agonies, we should have learned that no longer is there any need to subject our people to that kind of unnecessary hardship and indignity.

[Applause.]

Ms. **Beamer**. In 1986 the Hawaiian Homes Commission chairman announced to Congress an accelerated award package of 4,000 raw land awards, saying while some of the awards are for fully developed lots, most will be lots with minimal improvements because DHHL does not have sufficient funds to provide full infrastructure development.

This purported package of 4,000 awards was not corroborated. The annual reports record a total of 2,466, of which only 248 were residentially improved lands that tomorrow you could move onto; 2,200 were unimproved—1,568 residential lots, 650 farm and ranch lots. Minimal improvements referred to indicate that they just cleared the lot of weeds, scraped a dirt road for limited access, and surveyed and staked the lots to allow lot selection.

As of this date, 2,224 of that grand 2,500 raw land award package that everyone is still taking credit for five years later cannot occupy their lands.

[Applause.]

Ms. **Beamer**. There is absolutely no reason for this kind of massive deceptive heroics. A regular increment of 300 lots a year—improved lots, homes on the lots—would have delivered in the 10-year period 3,000 complete awards.

DHHL knew full well that it was practicing deceit in the 2,500 paper awards. Because in letters of understanding and waivers, agreements and acknowledgement with each awardee they were asked to accept the following conditions:

One, that due to a lack of funding the department does not assure any time schedule for improving roads; that due to the substandard condition of the access roads, county fire and police protection may not be available where roads are not passable. How much do you care for your people when you place them in unsafe, hazardous conditions? They also did not say that Federal assist funding is not available unless roads and the infrastructure is there.

In agreement number two they say that due to the lack of funding by the department for the construction of the infrastructure—and we all know what that means now—the department cannot deliver this infrastructure, but it says the department does not object to a group of neighboring lessees arranging for and paying for the cost of delivery and maintenance of this infrastructure. How absolutely stupid and ridiculous.

[Applause.]

Ms. **Beamer**. If the department cannot afford millions of dollars required for the infrastructure, how could lessees who have to pay for the infrastructure who can't get Federal or any kind of financial assistance then turn around and pay for their houses?

[Laughter and applause.]

Ms. **Beamer**. That loan financing is not available for the purpose of improving the lot and DHHL does not assure the availability of loan funding. Then, in a letter of congratulations, the department says being a lessee on Hawaiian homeland you may find it difficult to attain financing to improve your lot until additional sources of financing are developed. Well, why in the world are they awarding these lots?

In agreement number four, no lessee shall be permitted to erect tents or any temporary structure on the lot. [Laughter.]

In agreement number five, that tax map key numbers for individual lots will be assigned upon final subdivision approval which is contingent on the improvements.

Now, our land system is the same as the land system anywhere—in Guam, in Samoa. You have to have a tax map key—not in Samoa. You still walk on and claim it. [Laughter.]

But you have to wear a Lava Lava.

Mr. **Faleomavaega**. And we still own 96 percent of our land.

[Laughter and applause.]

Ms. BEAMER. But you still need money from the Federal Government to help you. [Laughter.]

The lessee cannot get financing or loan clearances without these preliminaries. Building permits require an address. How can one show an address with no roads and subdivision certifications? And if you cannot live in a tent, what do you live in? You can't build a house.

To say that the department had no funds is an untruth; $15 million of available moneys were allowed to lapse between 1982 and 1986. And another $15 million was sitting in loan funds generating interest. Yet, all of Administration did was to survey the lots and stake out the boundary markers to facilitate selection.

The CHAIRMAN. Ms. Beamer, if I may interrupt at this juncture, I am certain that you were advised that there were many, many witnesses following and you had agreed to summarize the statement, but you have 70-odd pages here. [Laughter.]

I should assure you that this is very interesting testimony, but I feel for the other witnesses. I don't mind staying here until midnight, but I am certain the kupunas may not like that too much. So please do summarize it and we can go on with the other witnesses.

Ms. BEAMER. Well, Senator, I think my testimony is valid. I will summarize it. I have summarized, in fact. I will not read it verbatim.

The CHAIRMAN. I can assure you that your full statement will be made part of the record.

Ms. BEAMER. All right.

But the travesty of this burlesque is—I think it is important that you hear it, and if the others don't mind waiting——

[Applause.]

Ms. BEAMER. I think what I have to say is important.

In the DHHL implementation of 1988 and 1989, 1,568 lots were listed as unimproved residential lots. There were 650 unimproved farm and ranch awards which were not included in the profile submitted; 58 or 4 percent of 1,568 lots, were completed or under construction to be ready by 1989 or 1990; 801 lots, or 51 percent, were in the design stage, which means that the detailed designs for each lot have been started, but the date listed for completion is not until 1995 and 1996.

Of those lots, 530 are just in the planning state, which means that formal planning had just begun, and cost and estimate projections are being calculated. The completion date for those awards in the 2,500 package was 1998 and the year 2000.

Also, 179 were in the strategy phase—pre-planning—which means that the plan is just a gleam in the director's eye and no date has been set for the completion. The wait is beyond the year 2000.

Of the 1,500 unimproved residential lots, 2,650 were farm and ranch lots, 700 must wait beyond the year 1998 for their award.

I submit to you a display of all of the awards made in the 1985 package, the phase in which it is now placed and the year of completion.

The contemptible tragedy is that once awarded the raw land, the applicant's name was removed from the applicant list, disqualifying him for other awards on the preferred island which may become available at an earlier date. Now listed as a lessee, he is not an applicant. And yet the department is planning 563 new lots.

The lessee is caught in a catch-22 situation. It is confirmed with the tax office that except for the 248 improved lots, none of the 2,000 unimproved lots has been filed or recorded with the county real property tax offices. If there is no tax recordation, there is no public proof of leasehold title.

I submit to you a recap of the typical case scenario of these raw land awards. In Kawaihae the only improvements were de-weeding the lot and a dirt road. News releases misled the awardees into believing that soon FHA funds would be available to them, but FHA was a scapegoat. The backing of mortgage funding cannot be used for unimproved lots.

In 1982 and 1984, 990,000 was allowed to lapse since the 1981 design was completed for construction for 40 lots, now 20 because the State wants a park beach frontage. The project was indefinitely deferred. Still, despite the deferral, the package of awards included 190 Lots for Kawaihae. But to the unknowing, excited, trusting lessee, it all seemed official and real that their occupancy was around the corner. The particular lot I cite was for .98 acres. They received an official lease. The lot acceptance agreement listed the tax map key number.

The tax map key was not for the .98 acre award; it was for the entire parcel of 8,176 acres of the unimproved subdivision. All awardees were given the same tax map key or undivided interest in the parcel of the whole.

The act has always mandated that the lessee must occupy the land within 1 year, but it was changed in 1985 to accommodate the department that could not produce improved land, and it absolved itself from enforcing the occupancy provision for lots it had failed to render usable within 1 year.

One of the agreements stated that the lessee has three years to construct, complete, and occupy a dwelling and can ask for a 2-year extension. If the lot is not going to be ready for another 10 to 14 years, how can he build a home in 4 or 5 years?

The CHAIRMAN. Ms. Beamer, as chairman of this committee I must insist that we stop at this juncture. I think we have been very liberal in our attitudes here to permit you to testify this long. I feel responsible for those witnesses that have been waiting and continue to wait, so with the gratitude of this committee and with the assurance that your full statement will be made a part of the record, thank you very much.

Ms. BEAMER. It was my impression that this hearing was to collect information on how to improve the Hawaiian Homes Commission Act. If you just wanted to hear compliments, then you misnamed the purpose of the hearing.

[Applause.]

The CHAIRMAN. If we had listened to you it would have taken another 2 hours.

[Prepared statement of Ms. Beamer appears in appendix.]

The CHAIRMAN. I would like to announce at this juncture that we have had many, many Native Hawaiians who have indicated a desire to testify but because of time constraints we have not been able to accommodate all. For those who wish to testify, may I suggest that you submit the written statement with the committee's assurance that it will be made a part of the record. The record will remain open until September 15th, so up until then if you wish to submit statements or if you wish to add to whatever you have said thus far, please feel free to do so.

And now we will listen to several non-homestead community testimonies. These are Native Hawaiian men and women who have been waiting to become lessees.

Our first witness is Ms. Violet Po Lui.

STATEMENT OF VIOLET PO LUI

Ms. Lui. Senator, Congressmen, members of the audience, my people, aloha.

My name is Violet Pohakuku'i'ai Lui. I am Hawaiian, born in Palolo, grew up in Kailua, graduate of Kamehameha School, graduate of the University of Hawaii Manoa Campus in 1965.

I am a lawyer. I am an assistant attorney general in the Navajo Nation Department of Justice. I became a lawyer in 1979. I worked first with DNA People's Legal Services, the largest Indian legal services in the United States.

DNA serves the Navajo people, and when I worked for DNA initially I helped to open the first legal aid office on the White Mountain Apache Reservation.

I left the Navajo Legal Services program for about two years and moved to Alaska, and there I had the opportunity to meet people, Athabascan people, Alaska Natives, who had experienced the Alaska Native Claims Settlement Act and got to see first hand the many shortcomings of that legislative act.

I moved back to the Navajo Reservation in 1983 and worked again with DNA People's Legal Services. I left the legal services and went to work for the Navajo Judicial Branch. From there I transferred over to the Navajo Department of Justice where I am to this day.

I am very, very proud to be Hawaiian and to have put my knowledge and my skills to work on behalf of Indian people. I have learned much from them. What I have learned I hope to share with my people—I hope to share with you, Senator, Congressmen, your staff—in any way that I can.

My road to law school was not easy. I graduated from college in 1965, and it wasn't until 1975 that I went to law school. At the time I went to law school I had been active with the Home Rule movement of Hawaiian people and ALOHA—aboriginal lands of Hawaiian ancestry. In ALOHA we sought reparations. That did not go forward, but the seeds that were sown back then are still growing.

With the Home Rule movement, I sat in the front row with some of the people who, back in the early 1970's, were part of the Home Rule movement. We were a small group. Now, in this day and age, one of the Home Rulers is the Governor of the State of Hawaii. Another of the Home Rulers heads up the Department of Social Services. There are other people who have done fairly impressive things—Hawaiians—and they are serving the needs of the people, of my people.

The context in which they are serving, however, based upon the knowledge that I have developed in my understanding of the law, and particularly Indian law, is that there is a profound and basic conflict of interest when the decisions that concern Native Hawaiians, their existence, and how they will face their future is left in the hands of the State. I say this not because I disrespect the people who are working so well and so diligently in the Hawaiian Home Lands Department. I have great respect for Ilima. Her brother was a classmate of mine at Kamehameha. She was one or 2 years behind us, as I recall. It warms my heart that she is there and that she is trying to do her part. And the commission members that she described and referred to are obviously devoted people dedicated to helping our Hawaiian people.

What they are doing is important. What others have done is important. The criticisms that are laid against the Department of Hawaiian Home Lands, the other State departments, and how services are provided or not provided is probably justified criticism, and particularly Mrs. Beamer's comments are heartfelt, I am sure.

But I think it is good to remember that we do not criticize so harshly those things that we do not also love dearly.

The Hawaiian Home Lands represents an entity of land-based communities that I, as a Hawaiian, identify with. I do not live there. I never grew up on one. I am not eligible. But they, with the land base, represent the kernel of what I believe is or should be a Hawaiian sovereign entity.

The reason why I went into the field of Federal Indian law had to do with trying to answer the question: what is it in the American system; what is there established; what principles are there in our government that enable Native Americans to exist as a distinct people on lands that are their own?

What I have found in my studies and in my work is this body of law called "Federal Indian law." If contains principles that are very important for the survival of native people in the United States of America. This body represents what I call the best of American law. It is not a theme that is common in the governments of other countries; rather, the theme in the governments of other countries is domination and extermination of native people. This country, by accident, perhaps—I would like to think it is because there is a theme of decency and morality in this country—has chosen to act by dealing with the native people.

In dealing with the native people, there has developed the concept or principle of a land base. On the mainland it is called a reservation. Some people misunderstand what this term means. Some people who do not yet understand Federal Indian law believe that a reservation is a handout, something you give to the native people. The concept of the reservation is that the native people reserve to themselves that land and the sovereignty over that land. It is a reservation of interests. The short term we use is reservation, but that is the connotation of that term.

Under that principle, I see nothing wrong with working toward the day that Hawaiians have land on which they reserve to themselves and to their heirs the right of a sovereign people over that land and over their fate.

Other concepts many people have talked about here in Hawaii—many, many times. I think sometimes people are almost tired of hearing it, almost—sovereignty, what it means, autonomy, self-determination.

And, Senator, in your work as chairman of the committee you have become known as someone who supports that very strongly, who respects the native people, and that is a high compliment. I think you can be very proud of that.

For Indian people it is not easy to trust Congress, but the Senator has made it his business to go around to various reservations to meet people, to talk with them, to share with them his thoughts and, most importantly, to listen to their thoughts and share their dreams. And so when we talk about being here to discuss sovereignty, and beginning with the Hawaiian Home Lands, I believe your sincerity. I depend on it. My people depend upon it. And your reputation stands you well for what will be done from these hearings.

Another principle of Federal Indian law that is of great interest and relevancy to Native Hawaiians is the concept of the fair dealings between the Federal Government and the Native people. This is the basic trust responsibility. It is a high responsibility in the Federal Government, and it is, in my opinion as a lawyer, well established that that high Federal responsibility does not, I am afraid, find an equivalent at the State level.

Right now in the State of Hawaii we have many people with a great deal of aloha for our people. We have many State legislators who have a great deal of aloha. But the fact that we have that today does not assure us we will have it in ten years. State legislatures respond to people who own the land, to people who move the economy. That is inevitable. I do not think it is immoral; I just think that is how power works. That is how government works.

And so we cannot depend upon—native people should be very, very wary of depending upon the good will of the State legislature. And, Senator, I support your intent to keep that Federal connection with the Hawaiian Homes Lands. I would also hope that you keep your mind open to the establishment of a sovereign Hawaiian entity and that the Hawaiian homelands, the communities be a significant part of that.

Before the hearing I was talking to a couple of people who are with the State Council of Hawaiian Homesteaders. I was very, very impressed with their knowledge and their dreams. They were thinking big. One gentleman I spoke to, with imagination, was looking to the future. The whole intent was let's not think about limiting; let's think about growing, or else how can we keep our children here. How can we bring them back?

In considering the Hawaiian Home Lands, I will add my voice to those who have said and cautioned that the program was not begun to perpetuate my people. The program, if you read some of the testimony there, by non-Hawaiians in 1920 was to tide us over, to take care of us until we passed away. There weren't too many of us, and there weren't supposed to be too many more born. I guess they forgot that Native Hawaiians weren't going to go by their agenda or didn't plan on it.

I do believe that the intent of the designers of the program was good, but the support of the program, as in all of politics, has been mixed. And certainly, as with Indian people across the United States, Indians were not to continue to exist. Hawaiians were not to continue to exist, but we are here.

The CHAIRMAN. Ms. Lui, I would love to hear you testify further, but, as I indicated, there are many other witnesses waiting. If you could conclude with your next sentence, the Committee would appreciate it.

Ms. LUI. I certainly will, Senator.

In short, I will submit longer written testimony, and I appreciate your concern for the time. There is much to learn in the body of law, and the principles that are there for the Federal Government to deal with native people are there and, in my experience with Indian people, have meant the protection of their lifestyle, the perpetuation of their ability to live within the American system. I certainly would support stronger Federal support for the development of the sovereign Hawaiian entity.

[Applause.]

[Prepared statement of Ms. Lui appears in appendix.]

The CHAIRMAN. I thank you very much, Ms. Lui.

Our next witness is Mr. Harold Levy.

Welcome, sir.

STATEMENT OF HAROLD LEVY, HONOLULU, OAHU

Mr. LEVY. First, I'd like to apologize for my testimony because I only found out on Thursday that I would be able to testify today, so it is kind of jumbled, but I do have it in written form.

The CHAIRMAN. Your written statement will be made a part of the record.

Mr. LEVY. Thank you, sir.

The CHAIRMAN. If you wish to summarize it, we would appreciate it very much.

Mr. LEVY. I'll read a part of it and then summarize.

Good afternoon. My name is Harold Stanley Levy, Jr. My family has lived in Hawaii for at least 13 generations prior to the birth of Kamehameha Paiea I, the first ruler of the Hawaiian Kingdom.

My parents are homesteaders on Nanakuli. My father's parents were homesteaders living on Fourth Road in Nanakuli, while my mother's grandparents were one of the original homestead families when the Nanakuli Homestead first opened. Zablan Beach is named after my great grandmother's family, and our family home is still there.

I have been on the Hawaiian Homestead agricultural waiting list for Oahu for over 14 years. I have been actively engaged in farming for 10 years and am an active member of the Hawaii Farm Bureau Federation. I am here today to speak about agriculture and the Hawaiian Homes program.

Originally, the Hawaiian Homes program was an agricultural homesteading program where they would put you out on these lands and Hawaiians would sustain themselves from the land. If you read the language of the act, it is agricultural in background.

The State Department of Hawaiian Home Lands continues to expend most of its energies to urban homesteading through its housing programs. Farming and agriculture seem to have taken a second priority over urban homesteading.

Subsequently, a lot of the farm programs for the department tend not to take agriculture seriously. One of the things that I am concerned about is the Pahe'ehe'e Ridge Subdivision which was awarded two years ago. I have been waiting 14 years. I have worked very hard. I went to college to major in agriculture. I started farming to get practical experience so that I knew when I got my lot I would be able to farm.

When they opened the Pahe'ehe'e Ridge Subdivision, there were a lot of things wrong with the land—a lot of things. And since I live in Waianae I am very familiar with Waianae. For one thing, most of the lands are vertical lands, which mean they go uphill. If you look at the land, it is primarily mountain. That is the first thing that was wrong with the subdivision.

The second thing that was wrong with the subdivision was that there was no water and there was no road. If they were to give out these lots as they had intended as part of the accelerated program, how could farmers farm those lots? It is over 20 degrees slope. You simply cannot put a tractor on it without tipping it over. It is just practical farming. And here I've been farming 10 years waiting patiently, and they're giving you vertical lands.

The other thing about the lands is that the soil is poor. I did bring a visual aid for you to see this. If you'll bear with me, I will prepare it. This is what the soil looks like.

[Applause.]

Mr. LEVY. You cannot imagine what it does to someone who has been farming 10 years when he is told to select a lot from lands like this. You cannot imaging how much it hurts people like me who have been waiting for a long, long time to see lands that are given to us in that kind of condition to farm.

I have to admit we Hawaiians have been farming these lands in Hawaii for hundreds of years, but I am sure that we cannot plant seeds in stones. I have the hardest time with this.

The other thing about these lots is that when they cut them out it seemed like they just simply drew lines and said this is how the lots are going to be laid out. Most of those lots are only 100 feet across. One of the problems we're having right now is pesticide spraying drift. If you farm that land, if you are allowed to spray it the drift will drift down three or four houses down the road and kill all your neighbors. Nobody every thought of that. Nobody ever gave serious consideration to that part of agriculture.

The other part of it is that there is no water available. Kazu Hayashida and the Board of Water Supply have already told me that in no way are they putting water in there. The department has to come up with the money to put it in.

Seeing that subdivision did shock me, but I did decide to choose a lot there. They laid out 65 lots, and in the very back of the property there are about 10 lots that looked like they had possibility and you could creatively farm them. [Laughter.]

I was one of the original applicants on Oahu for agricultural lots back in 1975. There were seven of us. Of the seven, six of us chose lots back there at the end of the subdivision. On the day of lot selection we went down there to select our lots and we were told by the then chairman that they were no longer being offered because they are in a blast zone for Lualualei Ammunition Depot. Again, I was very upset, being the person that I am. Because I'm fourth on the list I did not look beyond four lots, and they expected me to select from the other lots that were not affected by this blast zone.

So here I am. I am contemplating what to do. We discussed it at great length at that lot selection meeting, and then they decided that they would issue the lots that they would allow us to select. Those same seven lots were the very first lots to be selected by the people who waited the longest.

To date, to my knowledge, those people do not have leases still. They are still waiting. Some of the people on the subdivision have their leases already, and most of those people have only been on the list for 2 years. The people who have been on the list for over 14 years since 1975 are still waiting, to my knowledge, and I am one of them.

I have a lot more in my testimony—I realize there are a lot of peole here—but something is wrong with the system. Something is telling us that because housing is such a high priority let's forget about the Hawaiian farmer. Everybody accepts the mentality that Hawaiians cannot farm, but a Hawaiian farmer cannot accept that mentality. He cannot accept rocks. He cannot accept no water.

[Applause.]

Mr. LEVY. The last thing that I want to say is that when I applied in 1975 I was 21 years old. I'm now 36 years old. The only reason that I continue to show interest is that hopefully before I die my son will be able to get that agricultural lot that I've been waiting for all these years.

I really do appreciate, Senator, the time that you have taken to come here. I really do have a lot of other things I wish to discuss, but I thank you that you have all taken the time to come here to listen to people like myself. We may seem like we complain a lot about the department—and we do. [Laughter.]

But I do have a lot of aloha for the people down there. I have been through three or four administrations already. A lot of them know who I am. I have taken active interest in finding out when, and I'm still asking the same question 14 years later. When?

Thank you, sir.

[Applause.]

[Prepared statement of Mr. Levy appear in appendix.]

The CHAIRMAN. Thank you very much, Mr. Levy,

Our next witness is Mr. Louis Agard.

STATEMENT OF LOUIS AGARD

Mr. AGARD. Chairman Inouye, members of the committee, aloha.

The CHAIRMAN. Aloha.

Mr. AGARD. My name is Louis Agard. I am a member of the Council of Hawaiian Organizations. I'd like to say on behalf of the council we appreciate very much the opportunity to appear before you this afternoon to place some input into this problem of the Department of Hawaiian Home Lands.

It has been a policy of the council for a number of years to be involved in the betterment of conditions for Native Hawaiians and, of course, the Department of Hawaiian Home Lands has been one of those issues. As a matter of fact, several members of the council have volunteered to serve during the period that is being discussed here at this time, the acceleration.

I'd like to say in response to some of the criticisms that I have just heard that the acceleration program was the end result of the Federal-State Task Force, and that was carried out with the belief that funding in the amount of $25 million by the Federal Government and the State Government would take place. Of course, that never happened. It proved to those of us who served as commissioners to be a frustrating experience because the pressures that you hear about and so eloquently expressed just before me about the shortage of good land is really true. We're working with a problem to which there is no answer. We have no land on this island to speak of for homes or really for farming.

We had a parcel of Executive ordered at Lualualei—some 1,500 acres. We're told now by the Navy Department Legal Office that the statute of limitations has now run its course since Statehood and we are unable to get this property back. It has significant military value. What about all the excess military land laying idle on this island? Can't they exchange some of that land for that purpose to relieve some of the real problems which you are listening today?

It is very good that you are here after a long period of time, 69 years, to listen to the real heartbreakers that many people experience while waiting for lands. Several of the aged Hawaiians on the Big Island have been waiting since 1952. I met a man yesterday who has been waiting since 1951. That's a long time to wait for something that has been promised.

Although the Hawaiian Homes Act was never really intended to do very much more for the Native Hawaiians than possibly have been done, because just two inter-marriages would have deprived the Native Hawaiian of his birthright.

If we try to understand the mentality of what happened at that time, it seems like the Native Hawaiian—according to the statistics from 1890 to 1900 had about 37,000 Hawaiians. We have estimates that there were probably 800,000 of them at the time Captain Cook came, by one report. So you find this great demise due to disease and other reasons. They were not expected to live very long, so 50 percent would be the criteria. Of course, when the bill was first put in it said no blood quantum, and then it went to $\frac{1}{32}$ or $\frac{1}{4}$ then $\frac{1}{8}$, and they finally settled on $\frac{1}{2}$. But that shows that it hasn't worked. For 60 years only about 3,000 people got on the homelands. Roughly 50 lots were allocated each year.

Now, if we members of the commission continued under that policy, it would have taken another 180 years to put the 9,000 applicants who were on the list at that time, and today there are 19,500. So we are faced with a real big problem.

The council goes on record as supporting the Federal-State Task Force of 1983—particularly as regards parcelling out the property. It was felt at that time: Why should we land bank all of this land?

Our job was to disperse it to the beneficiaries, which is what was done. It wasn't done perfectly. They called in all the staff, they cut up the land, and they awarded it with rough roads. All of that is true. But the other part of the agreement for $25 million to help start this work never came to pass either with the State or the Federal Government.

Several times in the past the reparations issue has been raised. The Congress of the United States in the U.S. Senate have twice approved $1 billion for Native Hawaiians for reparations for the overthrow of 1893. And that would be in compensation, I guess, for the loss of lands and termination. That has been unsatisfactory. However, as late as 1985 another proposal was circulated amongst the island community for that purpose for the same amount of money and again termination. In place of the constant offer to the Native Hawaiians for $1 billion in reparations that the Congress saw fit to guarantee to the Hawaiian Home Lands Department $1 billion in loans so that these people can get on the land? That is the question that some of us would like to know if the Congress would consider—I know Representative Blaz has said that money is out of the question, but money is the only thing that is going to make this work, and it is long overdue.

We had a treaty in 1887 that was good for us. It was for 7 years. It would have expired in 1894. It was for the use of Pearl Harbor. It was called a reciprocity treaty. Actually, what happened was that in 1893 a U.S. war ship was present. The *Boston* landed American troops. They were at the government building when an American read a dethroning proclamation. We think for that injury that something should be done, and since that time all of that Federal land has been used for free. In compensation, we feel that something should be done in return for the Native Hawaiian. After all, it is his homeland and it should be recognized as such.

The wonder for all of us is this: How could something like that happen in the first place? And now today how can we perpetuate it for so long? What is the direction now? Why cannot the Native Hawaiians get justice and recognition in his homeland for the very basics of a home? So we're asking if the Congress can consider if, rather than continuing to offer us $1 billion in reparations which is inadequate—especially when it would take to put 10,000 Hawaiians on the land between $30,000 and $40,000 for infrastructure and a home of about $60,000. That's $90,000 to $95,000 for 10,000 people. There are about 270,000 Hawaiians throughout, so many Hawaiians are not going to have a home. But for that group perhaps we can do something. So we are asking you on their behalf to look at those proposals. We will be submitting something like that to your staff for you to review in detail. It is fairly lengthy.

There is one other subject, though. This is valid at this time particularly for funding, because the resources here are being stretched. Maybe you are aware that water is being stretched—the purity and the availability of it. The fear is that with this ongoing development—and there is a lot of development—the Native Hawaiian has always been standing around for years and years and years, and yet other development will get approval to go ahead and use that limited water supply. The game seems to be who gets there first to the shrinking water supply is going to get it. And I would hate to see the Native Hawaiian waiting to get his building and find out some day—as you all know in Hawaii, before you build anything you go to the Water Board and you get a water permit. That's the first thing that is going to run out.

Every day you turn on the TV and you're going to hear it. If you turn on the radio you're going to hear it. Don't use too much water. Don't use too much water in your washing. Don't let your water run when you brush your teeth. The water supply is limited.

Surely you can desalinate and surely you can recycle sewage water, but the Native Hawaiian is going to be the least prepared for that additional expense. And actually, why should you charge him for that? That's the question.

I know we're in a rush because of a lot of people, but I'd like to make one more statement. I appreciate very much the committee letting us discuss these views. But all of these problem needs bring into focus the issue of sovereignty—a sovereignty enjoyed by Native Hawaiians and recognized throughout the world community, also a sovereignty not refuted by Native Hawaiians. Sovereignty is an issue to be raised fully in the future and the bearing it has on the welfare of many Hawaiians and their protection now and into the future, because the system as it is now does not afford protection for Native Hawaiians. They are powerless.

Thank you very much.

[Applause.]

[Prepared statement of Mr. Agard appears in appendix.]

The CHAIRMAN. Mr. Agard, I thank you very much.

Our next witness is Mr. Richard Pomaikaiokalani Kinney.

STATEMENT OF RICHARD POMAIKAIOKALANI KINNEY

Mr. KINNEY. Mr. Chairman and committe members and fellow Native Hawaiians and supporters.

My name is Richard Pomaikaiokalani Kinney. I have come here today as a citizen of this State and this country, as a Native Hawaiian descendent, and a sovereign of the Hawaiian Political Action Council of Hawaii.

The Hawaiian Political Action Council of Hawaii is a Native Hawaiian sovereign council. We are separate and independent of the Executive Branch of government and all other forms of government. We do not accept or permit or receive any type of State, Federal, or private grands that affect us in our administration of the council. Thank you.

The Native Hawaiian people, from the purest of the blood, 100 percent, to the least, are the wealthiest beneficiaries in this State. The Native Hawaiian people are beneficiaries to the Bishop Estate, the Liliuokalani Trust, the Campbell Estate, Queens Hospital, and Kuakini Hospital. These trusts were set up when Hawaii was a sovereign nation concerned about the future of its people, the Native Hawaiians and the general public.

Today the Native Hawaiian people are beneficiaries to 98 percent of the State's lands. These are the lands of the Hawaiian Homestead Trust and the Public Land Trust. The Native Hawaiian people are also beneficiaries to the remaining lands that were ceded to the Federal Government to the joint resolution of annexation of July 7, 1989. I think that will make up about 98 percent of the Federal's lands that the Native Hawaiians are beneficiaries to that land trust.

Besides being beneficiaries to this trust, the Native Hawaiian people are rightful citizens of this State and beneficiaries to the State's $2 billion to $3 billion surplus—especially the Hawaii Airport fund surplus. I say this because all of Hawaii's major airports sit on ceded land—lands that were originally ceded to the Federal Government as a special trust, and through the State Admissions Act the Native Hawaiian is the beneficiary to all these lands and all the revenue and income therefrom.

Native Hawaiians are the wealthiest beneficiaries in this State, and I continuously repeat that over and over again.

Today, the political makeup of the State of Hawaii is 99 percent Democrat, and Hawaiians are in the decision, powermaking seat of the State. Many trustees of the Bishop Estate, the Liliuokalani Trust, the Campbell Estate, Queens Hospital, and Kuakini Hospital trusts are Hawaiians. The Office of Hawaiian Affairs Administrator is Hawaiian. And the trustees of the Office of Hawaiian Affairs are Hawaiian, elected by the Native Hawaiian community.

The problem facing the Native Hawaiian people today is but one problem and very simple: The deliberate lack of the State's government leaders, Hawaiians, to implement the law that they all swore to uphold as leaders of this State and country when they took their offices.

For instance, many, many times the State administration, Hawaiian Homes, the Office of Hawaiian Affairs, and these other Hawaiian agencies have lobbied in the State capital against bills that would better the condition of the Native Hawaiian and implement the State and Federal laws surrounding the Hawaiians.

The Governor's Administration and the Office of Hawaiian Affairs lobbied in the State capital to kill a certain bill because of the sensitivity of the bill, although the bill passed the Senate 25 to 0.

This is just but one incident where the State Administration and its agencies and its rubber-stamping agencies have lobbied in this state against the proper enactment of implementing bills to correct the problem. I know this to be true, and I can speak, because in the last seven years I have dedicated my task right here lobbying and bird-dogging exactly what is happening in this State.

The corruption is not in Washington, Senator Inouye. The corruption is present in the State of Hawaii.

[Applause.]

Mr. KINNEY. I speak against any change of the definition of what is a Native Hawaiian for two reasons: One, the Hawaiian Homestead Trust is the smaller of the two trusts. And yes, we have 40,000 to 50,000 qualified Native Hawaiians who are of 50 percent blood that can use immediate housing like Billie Beamer was bringing out. So instead of jeopardizing and going through the rigmarole of 8 to 10 years of making amendments only in the State, just amend that law.

[Applause.]

Mr. KINNEY. Do whatever is necessary to implement the law. Say to the State of Hawaii it is a legislative matter—exactly what the United States Supreme Court did.

Further, I also am against the changing of the definition of Hawaiian more importantly because of the other trust which many Hawaiians are not familiar with, the Public Land Trust. This is the larger of the two trusts in the State of Hawaii. The Public Land Trust not only includes the 1.6 million-plus acres of land that were originally ceded to the Federal Government, but it includes all the submerged lands around the State of Hawaii. But, most important, according to the law of the State Admissions Act, section 5(f), it includes all the revenues and the income therefrom.

Right now the Native Hawaiians do not benefit from all of the incomes and revenues derived from the Public Land Trust—for instance, those lands under Department of Transportation like the airport.

The Hawaiians, since the day of Statehood, have not benefitted from one penny of that trust, and it is because of the State continuously mismanaging this trust in the interest of the Native Hawaiian for whatever reasons.

I can go on and on and on like Billie Beamer, and I, too, question the softness of this committee for just allowing five days to allow people to really give you folks the full story. The way of the Native Hawaiian people giving testimony is orally. Even me, myself, I find it very hard to put on paper because of the emotions, and so forth. But I do thank you, Senator Inouye, and thank all of you for coming down and giving us an opportunity.

Senator Inouye, with no black mark against you, I know that you have done your utmost to help the Native Hawaiians.

[Applause.]

Mr. KINNEY. I know that. With the State administrating whatever programs you have done, it makes you almost a mockery. The Native Hawaiian people, from the purest to the least here, are drastically in need of help. Because of conditions throughout the State of Hawaii, many of us are becoming criminals in our land, not only the landless, but criminals, and looked down. Why, if the Native Hawaiian can move to the mainland and become successful, at home here we become criminals with our own?

So I recommend upon the Hawaiian Political Action Council of Hawaii that you look seriously—your whole committee—into finding a breach of trust lawsuit against the State of Hawaii for the mismanagement and the corruption of these two trusts.

[Applause.]

Mr. KINNEY. Thank you very much.

The CHAIRMAN. Thank you very much, Mr. Kinney.

[Prepared statement of Mr. Kinney appears in appendix.]

The CHAIRMAN. Now may I call upon Sam Peters.

STATEMENT OF SAM PETERS

Mr. PETERS. Good afternoon Honorable Senator Inouye and your Select Committee, welcome. Aloha.

The CHAIRMAN. Aloha.

Mr. PETERS. I am going to make mine very brief. As a matter of fact, my testimony has been written in this publication called the Hawaiian Star, so a lot of people here that are attending this today were able to read it.

I want to thank you for such a nice showing.

Gentlemen, I have been quite fortunate that about three years ago I received my land on the Island of Molokai. I got pastoral land, and I was quite proud. I guess, Dan, you have known my Dad for a long time—both of you, as a matter of fact. And I was so pleased that I got this 25 acres of pastoral land.

So I asked one of the directors at the Hawaiian Homes Commission if they would be so kind as to tell me how many head of cattle I can raise on this land. They looked around in awe as if to say, "Gosh, doesn't this guy know?" And I said, "Please tell me. You are the experts." And they hemmed and hawed for a little while, and the guy finally told me, "You can raise one and a half head on that 25 acres of land that you just received." [Laughter.]

I said, "My Gosh, that's marvelous." [Laughter.]

I hope that the half a head I get isn't the end that eats.

[Laughter and applause.]

Mr. Peters. Thank you. I just thought I'd throw a little fun in there.

But I asked him, "Wasn't it so that the lowest class of land, which was the D class, was supposed to be a larger amount of acreage because you are unable to feed your cattle so you needed a larger piece of land?" I guess they figure that is good for cattle. It must be a new breed of animal that they are raising someplace in the mainland in Kansas and they're going to eventually send it to me on Molokai. [Laughter.]

I'm going to keep this guy. But, believe me, the 1½ head that I'm going to raise, I'd like to invite you, as soon as they put the roads in. [Laughter.]

I would like to invite you all to a luau on Molokai. [Laughter.]

And we can eat half of the pipi that I'm going to get. The other half I've got to keep because I have to breed it again. [Laughter.]

But, gentlemen, you've been very, very patient. You have been very patient. I was just wondering if we can just—I hear about this Stealth bomber. I keep wondering: being that we cannot see this bomber, would you folks mind not building one and giving us the money?

[Applause and laughter.]

Mr. Peters. Because you wouldn't know whether the damn thing was there or not. [Laughter.]

Thank you very much for your time, and have a nice visit.

[Applause.]

The Chairman. Sam, your father would be very proud of you. [Laughter.]

And now may I call upon Mr. Lindsay Kane?

Unidentified Speaker. Mr. Chairman, I submit that Molokai has a great history. It is the only place that I have heard of that has a half a cow living there. [Laughter.]

The Chairman. While we wait for our witness, I'd like to announce that Mr. and Mrs. Kalani Ohelo wanted to be here to testify, but because of a death in the family they sent their regrets.

STATEMENT OF LINDSAY KANE

Mr. Kane. My name is Lindsay Kane. I'm not a public speaker.

The CHAIRMAN. You are doing very well, sir. [Laughter.]

Mr. KANE. I would like to read from my statement.

I have been on the Hawaiian Homes waiting list for only 3 years. I applied in 1986. I was told that if I applied for the Big Island it would only be a 3- to 5-year waiting list, but it is now 1989.

I went to the Department of Hawaiian Homes Land Office and they told me that they were not giving out land. There had been a stand still. So every single year I've gone and they have told me the same thing. But I went to the Oahu Civic Club seminar. The DHHL Chairperson, Ilina Pi'ianaia was supposed to be there to answer some questions, but she had to leave to go to some kind of party or luau on the other island. [Laughter.]

So the deputy director, John Rowe stated to me when I asked him how long you have to wait to get land, he just laughed at me saying it was going to be a very long time. I didn't think that was funny, you know?

But I also heard, while he was talking, that he is number one on the waiting list. I was wondering why.

One of the main subjects I want to bring up is infrastructure. I haven't lived with infrastructure for about 8 years. I'm not hooked up to Hawaii Electric or the water supply. I live on a boat in Keehi Lagoon. I use solar panels for my electricity, propane for my stove. I do not intend to depend on Hawaii Electric or the Board of Water Supply when I do get land on the Island of Hawaii. But I just want to know when I will get my land so I can start planning for my future.

I'm only 26 years old. I know I have only been waiting 3 years, but I don't want to wait like some other folks who have been waiting 10, 15, 20, or 30 years. My dad lives with my sister up in San Bernardino, California because he doesn't have his own land. None of my family has land. We all rent. We can't afford to buy or lease land because the prices are too high.

I'm the only one in my family to ever graduate from College. I am the youngest. Everybody works for the tourist industry in non-professional positions.

I'm a carpenter. If I do get land, I intend to build my own home with my own hands. Money—I don't plan to borrow. I would just work and save, using my own hard-earned money to build my own house. I would use my solar panels for my electricity.

We all should look for diversifying energy, not just waiting for this oil and stuff. We should look to the future, because this is the 20th century, almost the 21st already. We should look forward to something different like wind power. We can't always depend on Hawaii Electric for oil and stuff like that to run the generators. You have to try something new.

The money for the infrastructure—people are complaining that DHHL said they need the money. Why can't we get it from all these ceded lands' revenue and back taxes or from the State's $6 million tax surplus? I think that would help out a lot.

That's all I have to say.

[Applause.]

The CHAIRMAN. Thank you very much, Mr. Kane. I can assure you that your message has been heard and we will do our best to make certain that your dreams will be realized in a reasonable time. Thank you very much.

[Applause.]

[Prepared statement of Mr. Kane appears in appendix.]

The **Chairman**. Now for the next 4 hours the testimony is in the hands of the Homestead Associations.

I present to all of you the president of the association, Kamaki Kanahele.

[Applause.]

STATEMENT OF KAMAKI KANAHELE, HO'OKUPU PRESENTATION

Mr. **Kanahele**. Mahalo.

Mr. Chairman, welcome home. Distinguished guests, aloha. Members of the Washington delegation of Native Hawaiians and Hawaiian Ancestry, welcome home. My Native American brothers and sisters, welcome to Hawaii.

Senator, you are about to receive what we Native Hawaiians call "Ho'okupu". For us, "Ho'okupu" is considered sacred, and it is considered a "gift," most pleasurable to kings, queens, and ancient gods. Even in this contemporary time, we practice our ancient culture.

In opening of these ceremonies on behalf of the State Council of Hawaiian Homestead Associations and all Hawaiians living on Hawaiian Homestead lands, we wanted to practice the pure art of culture.

Senator, we are most appreciative of this opportunity that you have given us as Native Hawaiians, first, not only to recognize our plight, but to recognize "us," and to enlighten the people of the State of Hawaii that the Native Hawaiians and the homesteaders are a being to be reckoned with—the true people of this land.

To begin the introduction of the State Council of Hawaiian Homestead Associations, when I said to my fellow Hawaiian Homestead presidents—and there are 23 of us throughout the entire State—11 of them said, "Kamaki, we're going to come in and honor the Senator and thank him personally as he begins his trip throughout the island chains." This presentation, then, is one of pure joy and grateful thanksgiving to you, Senator, for allowing us to be heard. For waiting for so long, Hawaiians have flown in from all islands. The signs that you see are simply a pure basis of joy and pride to let you know who they are.

As chairman of the State Council of Hawaiian Homestead Associations I first begin the ceremony by asking the members of the audience if you live on Hawaiian homestead lands and if you are on the waiting list, would you please stand and receive your brothers and sisters who will now honor Senator Daniel K. Inouye.

The **Chairman**. May I thank all of those who participated in the Ho'okupu presentation. I shall always remember it warmly. Thank you very much.

Mr. **Kanahele**. Mahalo.

The **Chairman**. Mahalo.

Mr. **Kanahele**. Thank you, Senator, for having come so far.

Even if it is on this island, so far means that the suffering has been great. Our plight has been disastrous. Our transition in simply living has been most difficult.

With great pleasure, may I, present to you this day the Island of Oahu. In other presentations you will hear first Waimanalo; second, Papakolea; third, Pahe'ehe'e Ridge; fourth, Wai'anae Valley Homestead Community Association; and, finally, my own homestead, Nanakuli Hawaiian Homestead Community Association.

We appreciate you very much, Senator. And now we begin.

The purpose of your hearings is a most important one to us. Senator, a lot of the people that were presented to you just a few minutes ago drove, walked, caught a bus just to be here to thank you.

With great pleasure I present their representative from Waimanalo Hawaiian Homestead Association.

[Applause.]

[Prepared statement of Mr. Kanahele appears in appendix.]

STATEMENT OF JOY LINDSEY, WAIMANALO HAWAIIAN HOMES ASSOCIATION

Ms. LINDSEY. Honorable Senator Inouye and members of the Senate Select Committee on Indian Affairs and general audience, my name is Joy Lindsey, representing the members of the Waimanalo Hawaiian Homes Association, and on behalf of the State Council of Hawaiian Homes Associations.

My apologies first for the absence of another speaker who, for unknown reasons, will not be here. But I feel honored to have had the opportunity to participate in this portion of the oversight hearings. Although the first of five associations scheduled to testify, two officers are prepared to address the longstanding concerns realized amongst all homesteaders.

A need for change is without doubt, and together we'll strive to resolve every issue as outlined in testimony by Waimanalo and the members of the State Council of Hawaiian Homes Associations.

With your permission, may I introduce to you our officers, Roy Sand and Randy Lindsey, who will present their testimonies on the history of Waimanalo and the general problems in Waimanalo.

Respectfully submitted, Joy Lindsey, Recording Secretary Waimanalo Hawaiian Homes Association.

The CHAIRMAN. Thank you very much, Ms. Lindsey.

STATEMENT OF ROY SANG, WAIMANALO HAWAIIAN HOMES ASSOCIATION

Mr. SANG. Senator Inouye and members of the committee, my name is Roy Sang. I'm a director for the Waimanalo Homestead Association. I'm just going to be giving a brief history on Waimanalo.

The district of Waimanalo is located on the eastern portion of the Island of Oahu, commonly known as the windward side. Nestled between the Koolau Mountain Range and the Pacific Ocean, it encompasses a total of 6,973 acres.

Waimanalo is a rural type of community of which 2,641 acres are in agriculture, 2,203 acres in urban, and 4,332 acres are in conservation. The population is diversified, which includes various ethnic groups at an estimated population of 7,800 residents.

Waimanalo is highly popular for its recreational and natural scenic beauty. Its sandy beaches—which span approximately three miles—attract local residents and visitors all year long. Its sheer cliffs of the Koolau Mountain Ranges offer a striking panoramic view of the entire windward side and serves as a backdrop, enhancing the district of Waimanalo.

Within the district of Waimanalo lies the Waimanalo Hawaiian Homestead. A brief history of the homestead area is the main concept of this report.

Credit is given to Prince Jonah Kuhio Kalanianaole and John Wise for their efforts of introducing into Congress and successfully seeing through reality and passage of the Hawaiian Homes Act of 1920.

Prince Kuhio, more familiarly known, was concerned for the plight of the diminishing Native Hawaiians who were being alienated from their lands throughout Hawaii. His efforts enabled introduction to Federal legislation and created the Hawaiian Homes Act of 1920 for the purpose of rehabilitating his people through homesteading.

The Hawaiian Home Lands program was initiated as a 5-year experimental demonstration project to return Native Hawaiians to the land of an agricultural setting. In 1923, Hawaiian families moved and settled on the land—located mauka of Kaiona Beach Park today.

The Hawaiian Homes Commission Department surveyed these lands in March 1937, and 1 year later—April 1938—granted 16 leases to most of the original squatters. Homes for these families were built of lumber scraps found afloat in the Makapuu Channel.

In the early days, Waimanalo had no highways. Visible from the sand dunes and along the beach front lay a dirt road which led from the sugar mill, stretching through homestead lots. Evidence of train tracks ran through Cummings Landing at Waimanalo Beach Park. The old road wrapped around a large grove of pine trees beyond the area presently known as Shriner's Beach. Wide enough for horses to travel, the road wound its way through a fishing village and ended at the base of Makapuu.

Known as Kalanianaole Highway today, the road was not completed until 1933; now providing travelers access to commute throughout the island.

The Waimanalo Homestead Community Club was organized in the late 1930s. Although inactive in 1959, it was reactivated in 1960 and is still in existence to this day. Its purpose and objectives: to promote the welfare of its members in home, school, church, and community. More than 500 resident families occupy the Waimanalo Hawaiian Homestead Community.

Prince Kuhio would be proud of the way his legacy has taken hold. Moving forward, however, he would most likely be concerned in other areas of injustice and inaction, and would do his share to champion those causes he believes could benefit his people.

In summary, this report was made with the intention to give you a brief history of the beneficiaries and lands as provided by the Hawaiian Homes Act of 1920.

I thank you for the time you have given me.

The **Chairman**. Thank you very much.

[Applause.]

The **Chairman**. The history of Waimanalo is exceedingly interesting, and I must tell you that I have learned a lot. I didn't realize that the first homes were built with wood floating in the channel. I hope that the next homes will be built with general lumber.

[Applause.]

The **Chairman**. Who is our next witness? Please identify yourselves before you proceed. Thank you.

STATEMENT OF RANDALL LINDSEY, DIRECTOR, WAIMANALO HAWAIIAN HOMES ASSOCIATION

Mr. **Lindsey**. My name is Randall Lindsey.

The **Chairman**. Mr. Lindsey, welcome, sir.

Mr. **Lindsey**. Thank you.

Good afternoon Senator Inouye and distinguished members of the panel. My name is Randall Lindsey. I am a director for the Waimanalo Hawaiian Homes Association, as well as a delegate to the State Council of Hawaiian Homestead Associations.

My presentations will consist of the general problems that derive from the Hawaiian Homes Commission Act of 1920 and specifically pertain to my homestead community.

This is the most important portion of our testimony because now you will be able to hear of these problems from the people who are directly affected by the Hawaiian Homes Act of 1920.

According to the Hawaiian Homes Commission Act of 1920, section 203, paragraph 4, "4,000 acres, more or less" were set aside as available lands in Waimanalo. The Department of Hawaiian Homes Lands can only account for 1,880.8 acres. That's a difference of 2,119.2 acres.

My question to the panel is: What happened to these lands?

During my preparations for these hearings, I found some major discrepancies in the department's inventories. One reason for these discrepancies could be the use of the words "more or less." These three words have caused a lot of problems when working with land inventory, and these words are often used throughout the act.

My recommendation is that an update of a complete inventory of all Hawaiian Homes Lands be made. These inventories should contain: First, a thorough description of the land; second, the name of the lessee; third, tax map key number; and, fourth, the usage of the particular parcel of land.

After an inventory is completed and an exact count of homestead land is documented, then perhaps the words "more or less" can be replaced with the exact amount of acreage in question. By following this recommendation, perhaps we could identify the homestead lands already in the inventory and then we could look towards finding the rest of the lands that were lost throughout the years.

In section 206 and 212 of the Hawaiian Homes Commission Act of 1920 it states that the Governor's executive order powers does not extend to Hawaiian Homes Lands. Ever since that act was written, there have been a number of land exchanges made by previous governors through their executive order powers.

On December 27, 1984, Governor George Ariyoshi returned approximately 28,000 acres to the Department of Hawaiian Homes Lands inventory. Under Governor Executive Order Powers Numbers 2367, 2369, and 2370, 1,489.086 acres were returned to the Waimanalo District.

In early 1985, Department of Hawaiian Homes Lands initiated a planning program to determine how best to use these lands. The Waimanalo Advisory Committee was formed to submit their recommendations on how to develop these lands. The committee submitted over 21 recommendations to the Department of Hawaiian Homes Lands. Some of these recommendations include: building a community service center, an outdoor recreation facility, preserving religious sites, as well as identifying over 5,000 possible home sites, some being multi-family units authorized in section 207 of the act.

So far, there has been no visible evidence of any type of progress or action being taken upon these recommendations. Our community would like to know if we could further assist the department in the planning, construction, and/or execution of the plans already made. We would like to see those recommendations implemented to improve our community socially and economically.

According to the department's 1988 annual report, there are 576 leases in the Waimanalo Homestead area and 13 of them do not have any infrastructure; therefore, 13 families cannot move on to their lots. There are some families who have been waiting for 7 years.

We realize that in the end the problem comes down to a lack of money; however, there are a number of Federal laws and programs that have provisions in them for Native Hawaiian housing. I think the question is what programs we can use to fund more housing projects, but why we aren't utilizing them.

I would like to recommend that we identify these programs and the proper procedures to use. From there, all we have to do is executive and follow those guidelines. These problems shouldn't have even happened, but they did.

Another problem I would like to address is the waiting list. In 65 years we have managed to put 576 families on homestead land in Waimanalo, which is just an average of eight families per year. Still there are 1,400 more Native Hawaiians waiting for residential leases in Waimanalo alone. At this rate of awarding an average of eight leases per year, we are looking at a waiting period of 175 years before we can see the waiting list cleared and see these Native Hawaiians on Hawaiian Homes land.

I would like to see that the original intent of the act be carried out—getting the beneficiaries off the waiting list and on the land. We have hindered rather than helped Native Hawaiians return to the land over the past 65 years. We have enough land and people to solve the waiting list problem but, again, not enough money.

A long-awaited solution to this problem of lack of money might be found if the ceded lands issue is properly addressed and identified as it was originally appropriated in section 5, paragraph F, in the Admissions Act of 1959.

In 1984, the ceded lands monies was worth about $200 million per year. Today, those monies still have not been fully utilized to its intent. The ceded land money is supposed to be used "for the betterment of Native Hawaiians," and it is not. If we take a long, careful look at the language of the Admissions Act, it clearly states, "Native Hawaiian, as defined in the Hawaiian Homes Commission Act."

It's obvious to me that this means that ceded lands monies belongs to us homesteaders. We homesteaders are the only identified group to fit into this category.

I would like to suggest that we stop debating about the money and start using it. After all, it has been 65 years since the act was passed, and nothing really substantial has been done with the ceded lands money.

According to the Department of Hawaiian Homes Lands 1988 annual report, in Waimanalo there are 21 licenses, 1 church license, and 2 general leases. Of the 21 licenses, 2 of them are licenses for the Grace Pacific Corporation, which allows them to operate a quarry on Waimanalo Homestead land. I was under the impression that a company like this is supposed to be owned and controlled by a Native Hawaiian or Native Hawaiian group as described in section 207, paragraph C, of the act. It describes the conditions of leases and licenses.

As of 1988, Grace Pacific has only been paying 8 percent of their gross receipts, or 36 cents per ton, for their rent. Last year, that 36 cents per ton totalled $108,107.11. This means that Grace Pacific grossed $1,297,285.32. This income could have been generated by my community and some of it could have remained in Waimanalo.

To many Hawaiians in Waimanalo it seems that now the land is being taken away—literally loaded on trucks and taken away. [Laughter.]

And to me, 36 cents per ton does not sound like it can rehabilitate a whole lot of people.

I believe that my community would have been better off if this quarry was a homestead project run and controlled by qualified members from the homestead. This could have improved Waimanalo economically. These are the kind of things we should be looking at as long-term improvement projects.

In section 202, paragraph A, of the act it describes how the Hawaiian Homes commissioners are nominated and appointed. These commissioners are qualified, competent people, but they cannot fully understand the impact they have on homesteaders because none of them actually live on a homestead. To be a commissioner means to have an 8-hour job, but to be a homesteader is a 24-hour experience.

I think that the department should seek advice from the homesteader before making any critical decisions. After all, the decisions they make in one day will affect us for the rest of our lives.

Another problem we have is the election procedure of the commissioners. According to section 202, paragraph A, the commissioners are "nominated and appointed in accordance with section 26-34 of the Hawaii Revised Statutes."

Now, according to the Hawaii Revised Statutes, the Governor is the one who ends up choosing the commissioners. In short, the homesteaders have no say in who will control our future.

I would like to see the Native Hawaiian homesteaders have some kind of control over their destiny, whether it be through an election-type of system or through direct communication with the Governor or the commissioners, or some type of mild sovereignty.

Another concern we have in Waimanalo is the comparisons between the Native American Indians and the Native Hawaiians. For example, the Indian people do not pay taxes on their land. They get monthly compensation for their land. And they can control their own destinies through sovereignty. On the other hand, the Hawaiians have not achieved any of this.

It also seems that the Indians qualify for more Federal programs than the Natives. Is this because they utilize their programs to the fullest? Is it because they are a separate sovereign government? Or is it because the laws were written for the Indians and later adopted by the Hawaiians?

We, in Waimanalo, would like to go on record saying that we are not Native Hawaiian Indians, but we are Native Hawaiians.

[Applause.]

Mr. LINDSEY. We would like to have some of their privileges, but we still deserve to have our own identity. And also, we, as a Hawaiian race, can overcome these minor obstacles if we just work together.

At this point I would like to suggest that this panel review the 134 recommendations made in 1983 to the Native Hawaiians Study Commission. A complete review of that report will reveal most of the problems that we still face today. A l~~ot of the~~ statistics and facts contained in the study pertain to us homesteaders, even though the study was not exclusively done for us.

Next comes the question of a breach of trust. I am not too familiar with the trust relationships between the Federal and State governments, but I don't need to be to realize what's going on. There is no question that a breach of trust has happened.

The question I would like to ask is: how can we fix this damage by this breach? Since this is the first oversight hearing being held in 65 years, I would like to propose that we keep an open channel of communication even after the hearings are over.

I think it is important to realize that there are a lot of people who would like to testify but were not able to because of the logistics of these hearings.

Another point I would like to make is about the potential beneficiaries on the waiting list. These people are large in numbers but do not have any form of representation. For example, Mrs. Doveline Steer has been waiting 17 years for a lease in Waimanalo. She claims she was passed by when the leases were awarded. She is only one of thousands who could be neglected during these hearings.

I would like to recommend that some kind of consideration should be allowed for these people. Even though they are not homesteaders yet, they do have legitimate claims and should be allowed to voice their opinions.

Under these circumstances, I feel that these people are victims rather than beneficiaries of the act.

On Friday, August 11, the State Council of Hawaiian Homestead Associations will present its testimony to this panel. Representing my association, I would like to clarify our stand regarding the State Council's positions. We, as an organization, agree to support the State Council's position on all subjects, especially the 99-year lease, the blood quantum, and the self-government position.

Senator Inouye and distinguished members of this panel, I have presented in my testimonial today the main, general problems that we, the Waimanalo homesteaders and potential beneficiaries, face. I have offered suggestions and recommendations of how we can achieve solutions to these problems. If we can overcome the problem of lack of communication and come together to work out these problems I have recognized today, it will surely be a great achievement and a giant step forward.

In the future, the homestead organizations will be a major voice in the representation of all Hawaiians. I thank you for allowing me to speak as part of that voice.

[Applause.]

Thank you for your eloquence and for your recommendations.

The CHAIRMAN. I can assure you right now that our lines of communications will be left open. The committee will be returning to follow up on these hearings and to have further hearings on this question of sovereignty if that be the wish of Native Hawaiians.

[Applause.]

Mr. LINDSEY. Thank you, Mr. Senator.

The CHAIRMAN. I have here a statement from Doveline Steer. Do you want this made a part of the record?

Mr. LINDSEY. The written record.

The CHAIRMAN. Without objection, it will be so ordered.

[Prepared statement of Ms. Steer appears in appendix.]

Mr. LINDSEY. We also have a member that was supposed to have testified today but, due to uncontrollable circumstances he was unable to come.

The CHAIRMAN. If that person wishes to submit a statement later, we will make it part of the record.

Mr. LINDSEY. All right. Thank you, Senator.

The CHAIRMAN. I assure you that.

[Applause.]

The CHAIRMAN. And now may I call on the representatives from Papakolea Community Homestead Association.

[Applause.]

STATEMENT OF BOB C. FREITAS, PRESIDENT, PAPAKOLEA COMMUNITY HOMESTEAD ASSOCIATION

Mr. FREITAS. Thank you very much, Senator.

Honorable Senator Daniel K. Inouye and members of the U.S. Senate Select Committee on Indian Affairs and the U.S. House of Representatives Committee on Interior and Insular Affairs, my name is Bob Freitas. I am a Native Hawaiian of 75 percent Hawaiian blood. I have lived on the Hawaiian homelands of Papakolea since 1948. I have been active in the affairs of the Hawaiian Homes Commission Act since 1968 as president of the Papakolea Community Association for approximately 16 years, more or less. [Laughter.]

You know with more or less you are ex officio or on call until somebody finds an answer.

Our testimony is on behalf of the members of our association, which is comprised of homesteaders from Papakolea and Kewalo. The act identifies our area as Auwaiolimu, Kewalo, and Kalawahine. Our testimony is in three parts.

Part 1 addresses the priorities of the State Council of Hawaiian Homestead Associations in which we are members and strongly support it. Part 2 addresses the domestic concerns of our area. And part 3 addresses the concerns of the management of the Hawaiian homelands and the Hawaii Admissions Act, section 5(f).

Part 1. Our position on the blood quantum and the 99-year lease can be found in the oversight hearing before the Committee on Interior and Insular Affairs, House of Representatives. Our testimony was presented to Senator Spark Matsunaga and his committee on the Native Hawaiian Study Commission Report on April 16, 1984.

After 5 years, our position remains the same. We requested no changes to the 50 percent blood quantum. The Office of Hawaiian Affairs—OHA—with funds over $75,000 from the State, is moving speedily ahead in favor of the single definition.

It certainly looks like breach of trust toward the 50-percent Native Hawaiians for whom they are trustees. Even the commissioners of Hawaiian Homes Lands failed in their fiduciary duties by their silence at OHA's action.

Senator, OHA does not represent or speak for us. They represent the State, who was found guilty of mischief and abuse in the Federal-State Task Force Report on HHCA dated August 1983.

Recommendation: Keep the 50-percent Hawaiian blood quantum as required intact. Do not make any amendments to it. The State Council will consider its own proposal.

Prior to 1984, we approached the commissioners at our community meeting regarding the 99-year lease. We were told there were too many technicalities, although one of the commissioners was an attorney.

In 1983, we testified at the Federal-State Task Force hearing requesting consideration of a lifetime lease for the lessee and successors. No action was taken.

Recommendation: Grant the State Council the right to consider a solution satisfactory to all homesteaders and applicants on the waiting list.

Self-governance—some of you call it sovereignty, which some of us do not understand too clearly and we have to take another approach. Considering the number of years and times we have repeating ourselves, it is time for us to be the decision-makers of our future. We have not brought this upon ourselves; it is the culmination of 69 years of negligence and abuse by government.

Recommendation: Provide experts from your committee to assist the State Council in drafting a Congressional bill allowing for the reorganization of the Native Hawaiians, beneficiaries of the act and the 5(f) trusts.

Senator and committee members, at this time we call for a complete halt to any amendments to the act. We believe it is our right, as beneficiaries, to determine how we want the two trusts to be managed.

An additional priority is funds. While millions of Federal dollars are pouring in this State for Native Hawaiian programs, we do not know of any given directly to the Hawaiian homelands programs. After 69 years, we deserve financial assistance.

Recommendation: Provide $2 billion for the study and planning of the Native Hawaiian reorganization program and $1 billion annually for infrastructure development of the acceleration program for the 18,000 people on the waiting list.

Part 2: Domestic concerns.

Property taxes. We have homesteaders today who are paying over $1,400 in property taxes—extremely high for people who cannot use their homes as collateral.

[Applause.]

Mr. FREITAS. The improvements to homes have been out of their own pockets, savings, or personal loans. The kupuna—the elderly—are paying as much as $600 a year.

Dear Senator, we don't only pay $1 a year for our land; we pay these high taxes.

Recommendation: Establish fixed property tax rates similar to exemptions for the elderly. A study of all agencies of concern should be made and the determination of the best solution should be made by the State Council.

Home loans. Papakolea is the only homestead on the slopes of a mountain. The price of home construction is automatically higher because of the uneven land elevation. Carports are very costly or impossible to build—hard to go through rock. There are homesteaders who cannot qualify for loans at private financial institutions, which is a new program DHHL. Much pilikia—problems—for our area.

Recommendation: Establish a Federal funding program with low interest rates to be managed for loans to our people. Management should be determined by the State Council with the agreement of the Federal Government.

Note: We are not in favor of decreasing the benefits of the Native American Indians by piggy-backing on their programs. We want our own programs as our rights as Native Americans.

Home for the kupuna. There are homes in our area with over 55 steps—more or less. If some of you would like to walk with me, I'd be glad to take you and your committee, Senator, to 85 steps in some, and some are more.

Not only is it extremely difficult to walk up or down, but a safety hazard when groceries or articles are carried—especially when it rains.

Recommendation: Identify Federal programs available for construction of a kupuna cluster-type home behind Kewalo lands, which are level.

Executive order 1529 was proclaimed in 1952 by Governor Oren E. Long for Kalawahine lands. The commission approved the transfer for use of this by the Board of Water Supply and exchanged it for the lands on the ridge of Tantalus.

They stated it was of equal value. How is this when the land under DHHL had water and the lands exchanged had rocks? Equal value? No. The act states that water not needed for use by the beneficiaries could be used for revenues.

The Federal-State Task Force did not identify this executive order, and in 1984 Governor Ariyoshi cancelled at least 16 executive orders.

Recommendation: The Secretary of the Interior, DHHL, and legal experts chosen by the State Council review this case and determine the validity of the order.

In 1975 I personally lobbied at the State legislature for funds to plan and construct a road in our homestead. The purpose was to eliminate the hardship of people living on the Waikiki side of Tantalus from climbing the numerous steps—especially when many of them were getting old and carrying groceries. The money was appropriated, but never released from the department.

Yes, Senator, this was a squeeze by the management of Hawaiian Homes and the money was returned back to the general funds.

We still have a need for this road, and, unfortunately, it will be more costly today.

Recommendation: The department estimate planning and construction cost and submit it to the Governor from his surplus funds, with matching funds from the Secretary of Interior.

The cost of burial plots has skyrocketed. Considering Native Hawaiians have land, we believe each island should have an area on Hawaiian homelands designated for burial.

[Applause.]

Mr. FREITAS. Recommendation: DHHL work with the State Council in designating area on DHHL lands for burial.

At Senator Matsunaga's hearing in 1984, we expressed concern about evictions of non-qualified spouse and/or children. An eviction of great publicity occurred some time in 1988 in Waimanalo. It is bad enough that we have homeless people today in this great country of America.

Recommendation: Take necessary legislative action, without touching the act, to declare a moratorium on such evictions until the reorganization of the Native Hawaiian beneficiaries is completed.

At Senator Matsunaga's hearing in 1984, we also were faced with the problem of changing the act to approve sale of DHHL lands in fee simple. Our position was against it at that time and has not changed.

Recommendation: Based on the reorganization program, do not make any amendments to the act.

In closing this portion of our testimony, I would like to say that our spirit of aloha and cultural upbringing to be patient has been completely drained.

What you see here today are frustrated Hawaiian homesteaders; applicants on the waiting lists; Hawaiians and non-Hawaiians who have been working side by side for decades for improvements.

You came asking, and we are here to tell you. We want to govern ourselves. We want to be the decisionmakers of our land and its assets. We want to be in tune with the rest of the Native Americans in having a government-to-government relationship with the United States, of which we are proud to be citizens.

Thank you very much, Senator Inouye.

[Applause.]

The CHAIRMAN. Mr. Freitas, I thank you very much. May I assure you that the committee will consider your recommendations with great seriousness.

Mr. FREITAS. Thank you very much.

STATEMENT OF WINONA A. FREITAS, PAPAKOLEA COMMUNITY HOMESTEAD ASSOCIATION

Ms. FREITAS. Honorable Senator Daniel Inouye and committee members, my name is Winona A. Freitas. I am a Native Hawaiian of 50 percent blood and have lived on the Hawaiian lands in Papakolea since 1948. Like my husband, Bob, I have been active in the affairs of the Hawaiian Homes Commission Act since 1968. Presently, I am the secretary of Papakolea Community Association. This testimony is the third portion, as stated in Bob's testimony.

Part 3 pertains to our concerns of the management of the Hawaiian homelands and the Hawaii Admissions Act, section 5(f).

Just recently we have come upon an audit of the department which reveals that things have not changed much. It is understandable why the program drags on its feet when those who are managing it are not professionals. It is understandable why personnel at the department cannot perform properly when there are approximately 35 percent vacancies.

Of $22 million approved for CIP projects to be encumbered by June 1989, only $200,000 was expended by the department as of December 31, 1988.

At Senator Matsunaga's hearing we also testified of improper use of the 30 percent sugar receipts. Is there more of our monies being diverted elsewhere by the state?

Recommendation: We call for a Federal investigation of the State's use of moneys for Native Hawaiian beneficiaries of the act.

The Federal-State Task Force report made over 100 corrective action recommendations. One stated that the airport lands should be used for revenues. In spite of it, the commission approved exchange of the airport lands for lands which beneficiaries cannot live on.

On the negative side, it stated the Congress should approve the 50-plus amendments that have been made by the State but not approved by Congress as required by the act. Congress made a blanket approval. We were not able to get copies of the Congressional bill from the department. I refuse to go on any further when all of this information is provided for in Congressional records. Our time is always very limited when we have to testify. I was cut off at Senator Inouye's hearing, as well.

Recommendation: Direct the department to work with the State Council in reviewing the report and taking action as necessary. Funds for this review should be provided by the Secretary of the Interior.

Last, but not least, is the Office of Hawaiian Affairs, who is trustee for us but wants to be trustee for everyone. We live in the times of instant food, instant cooking, etc. OHA managed an instant education of the blood quantum change by instant notification in the newspaper.

Then they asked all of us—they dared to ask all of us to vote whether or not we wanted all Native Hawaiians to receive the benefits. What Native Hawaiian would say no? We wrote to Governor Waihe'e to intervene stating our reasons and recommendations. We received no answer—not even an acknowledgement of receipt.

Recommendation: Conduct a Federal investigation of breach of trust by the Office of Hawaiian Affairs and the State of Hawaii.

Senator, I have never seen a hearing with as many changes as yours. Our association's letter, dated June 23, 1989, expressed our frustrations and recommendations. We were advised of a formal reply which we have not received.

If the intent has been to demoralize us, you probably did it to the poor, unfortunate Hawaiians who don't know any better. But we will not be moved.

I believe, however, one grave damage you may have done was to separate the homesteaders from non-homestead Native Hawaiians. They are looking at us as "privileged" because we have four hours and they only one. I fail to understand how four hours is enough for 69 years of abuse and neglect.

For those people, I wish to clear the air. We had nothing to do with it except to provide the order of association testimonies.

We believe in God and we will wait on Him. May He guide you and your committee to base your decisions on truth and righteousness based upon His Word.

Thank you, Senator.

[Applause.]

The CHAIRMAN. Thank you very much Mrs. Freitas.

First of all, on your letter of June 23 you did get a response. We sent one to Hilo when the State Council met there and shared the response with all of the homestead associations.

Second, as I tried to indicate in my opening statement, when we delegated to a non-Federal entity such as your State Council the authority to set up one half of the hearings, we did something that I don't believe has ever happened in a Congressional hearing. This was to accommodate you. Now, if Mr. Kamaki Kanahele decided to give you all of the 4 hours, that would have been all right with me, but we left it up to the State Council to decide.

Third, we have been in constant touch with Mr. Kanahele. It was at his recommendation that we change some of the times.

Keep in mind that at other Congressional hearings a subject of this matter may be handled in 3 hours and that's the beginning and the end. We are going to be spending 50 hours—10 hours each day—on these various items. We are trying our best.

I realize that on a problem of this magnitude we should spend 3 or 4 years just having hearings. But I would think that by that time the folks would get tired. [Laughter.]

That is why we have asked you to submit written statements if you wish to. The record will be kept open. I can assure you that we have done our best. We tried to accommodate every one of you.

[Applause.]

Ms. FREITAS. Senator, thank you. I certainly appreciate it. I think our frustration came when we first understood that it would be homesteaders. And you, yourself, know what happened after your announcement, and I'm sure you experienced their trauma all over. But that is where our frustrations came in. Thank you.

The CHAIRMAN. We set it up for homesteaders. As you know, we set it up in the late time of the day so that you don't have to lose your wages to testify here.

We are going to go on until 8 o'clock, and we won't go to the Iva, either. [Laughter.]

I thank you very much.

Ms. FREITAS. Senator, I'm not done yet if I still have my time left. I have other correspondence here. This one is correspondence we have just received recently after we had turned in our testimony. I cannot divulge the name of the individual because we did not get permission to read her letter.

This individual questions appointment of the chair outside of the commission, as well as the qualifications and personal financial business of the director.

The director is identified as not qualified to develop Hawaiian homelands as a geography teacher.

The individual questions the annual report statement that it is run in a certain manner when it is, indeed, being run under an unapproved organization. The telephone list shows the true structure.

What has become of the Native Hawaiian Rehabilitation Fund? Why are the people who are hired to run this division working in other divisions?

What happened to the millions of dollars in the NHRF funds? How many Native Hawaiians benefitted? Why is the money in the bank being allowed to accrue? Who owns the bank where the money is deposited?

Why are capital improvement funds being allowed to lapse when they are so desperately needed for developing infrastructure? The chairman should stop saying that they need more money when they are not spending money appropriated.

The individual spoke of $20 million appropriated July 1, 1988, to June 30, 1989. How can this money be spent in that short time when it takes months to put a project together and out to bid? The money will go back to the general funds.

Why are the administrators of every division in an acting capacity and not staff who are qualified to hold a job? These individuals have been allowed to act in the administrative positions for 2 or 3 or more years. Is an agriculture specialist qualified to build or plan infrastructure? Or a clerical supervisor to run the personnel division? Is a grant specialist the right person to plan the future of Native Hawaiians? Why should Native Hawaiians always have to accept second best?

Would you want a mechanic to perform heart surgery on you? Why hasn't the department requested names from the Department of Personnel Services for qualified individuals to fill administrative positions?

Why is the personnel turnover so great? About 80 percent have left the land development staff in the last year. This individual is very critical of the acting administrators and the director. We are also under the impression that this individual received the audit and somehow this individual knows much more than what was stated in the audit.

Why isn't the DHHL, which was created for Native Hawaiians, run by Native Hawaiians? Isn't it time to allow Native Hawaiians to take care of their own business?

I have here a testimony from one of our homesteaders, and she is unable to be here this evening because she works two jobs. I have gotten permission to read her letter.

> My name is Bernetta Kehaulani Lee Baijo. I was born and raised in Papakolea Hawaiian Homestead on the slopes of Mount Tantalus in Honolulu, Hawaii. I am still living in the house I was born in, along with my 11-year-old son, Jonathan Kauaowaiakea Baijo, and my father, Edward Kauaowaiakea Lee, who is the original lessee.
>
> I grew up as a Hawaiian in a Hawaiian community. My wish is for my son and his children after him to do the same. I am afraid that you and other officials like you will make that dream impossible.
>
> Like the Native American Indians, the Hawaiian people have been displaced and robbed of their birthright, our beloved Aina. Land to us is not just a piece of real estate to buy and sell; it is the source of our very lives, our culture, and our identity as Hawaiians. Each individual Hawaiian did not own land, as the Americans and Europeans did, privately held and as a commodity to be bought and sold like other material things. We, as a people, were one with the land.
>
> The separation of the Hawaiians from their land was the final blow to a communal people already weakened by foreign influences and introduced disease. It was this very deterioration that the creation of the Hawaiian Homestead Act was supposed to address—to rehabilitate the Hawaiians by putting us back on the land.
>
> Over the years, the Americanization of the Hawaiian Islands, including all of the effects—positive and negative — of Statehood, has slowly eroded what was left of the Hawaiian people. The Hawaiian Homes communities are the last remaining communities of Hawaiians. If these communities are broken up, you will be guilty of genocide.
>
> Because we may be few as compared to our Native American brothers, and because in land size we are relatively small, does not change this one fact. Without land, there is no Hawaiian nation.
>
> The Hawaiian Homes Commission Act must be changed from a temporary leasing arrangement to a permanent land trust held exclusively by qualified Native Hawaiians and governed and managed exclusively by Native Hawaiians.
>
> The Hawaiian Homes Commission has not been a satisfactory managing body in many ways. Testimonies today will attest to that. Whatever the reasoning, Hawaiians are subject to the rules, regulations, and policies of a governing body that does not always act in our interest.
>
> In my own case, Commission policy has conspired to threaten my ability to continue to live in Papakolea. My father, Edward Kauaowaiakea Lee, attempted to pass his lease on to me. He has held his lease since 1941. In preparing my own blood quantum information, I discovered that my father's birth certificate indicated in error that his father was Chinese and his mother Chinese-Hawaiian. If this were true, he would not be 50 percent Hawaiian as the Act specifies. His brothers 'birth certificates, however, with the same mother and father, indicate that his mother is pure Hawaiian.
>
> I brought this to the Commission's attention, even providing their birth certificates as proof. I was told that it didn't matter. They were only going by my father's birth certificate. They would put his name on a list, and since he was elderly, allow him to live out his lease, but that upon his death, we would lose the lease to our home in Papakolea.
>
> My father is a Hawaiian. In 1941 the Homestead Commission recognized him as a qualified Hawaiian and issued him his lease. And now, all that is negated because of pieces of paper over which we have no control? There is no birth certificate on record for my grandmother, who was born 100 years ago in a small Hawaiian community in Maui. According to the Board of Health, there are not records available at all. I am not the only Hawaiian facing this issue. These and many more problems must be addressed if Hawaiians are to have just treatment and full say over the fate of the land we now live on.
>
> "My proposed solution is this: First, change the nature of the Hawaiian Homes Act from a temporary lease holding system to a permanent land trust, managed and controlled by Hawaiians, like the tribal councils currently managing Native American Indian lands. After all, it is our land in the first place.

In this way, Hawaiians will decide how to use our lands, generate money, open up more of the unused lands to more Hawaiians.

Second: Grandfather the original lessees and their families. If a lease was issued, then that acknowledges the original lessee as qualified and he/she should be to pass those lands on to immediate family members in perpetuity.

Three: Ensure that the governing of Hawaiian Homes Lands be done by homesteaders directly, and not through any government body or government office such as the Office of Hawaiian Affairs.

The question of what happens to Hawaiian homes and homesteaders is an emotional and very powerful issue. The lives and futures of generations of Hawaiians is at stake. We are a loving and gentle nation, but we will not let you destroy the last of us without a fight.

Gentlemen, I trust you will do the right thing.

Aloha. Signed, Kehaulani Lee Baijo."

[Letter of Ms. Beijo appears in appendix.]

Ms. FREITAS. Thank you very much for this opportunity. We gave you a Hookupu that has some documents pertaining to Papakolea which was added to the Act in 1934, and there are some documents with a letter from the President of the United States in 1934, and also a letter to Princess Kawananakoa, who was instrumental in providing the people who were squatters in Papakolea to have that area as a Hawaiian homestead who today still have some Kupuna who are sitting out here in our audience, Senator.

Thank you.

[Applause.]

The CHAIRMAN. Thank you very much, Mr. and Mrs. Freitas.

And now I am pleased to call upon representatives from the Pahe'ehe'e Ridge Association.

STATEMENT OF CHARLES M. KA'AI'AI, PRESIDENT, PAHE'EHE'E RIDGE ASSOCIATION

Mr. KA'AI'AI. Senators and distinguished members, thank you for giving——

The CHAIRMAN. I believe this gentlemen deserves to be heard. May we have some order, please.

Mr. KA'AI'AI. Thank you for giving us the opportunity to share some of our experiences as an Hawaiian Homestead Community Association. I am Charles Ka'ai'ai, President of the Pahe'ehe'e Ridge Association, and a citizen of Ka Lahui, Hawaii.

We, the Pahe'ehe'e Ridge Association, are typical of other awardees of the Department of Hawaiian Homes Lands Acceleration of Awards program in that we all share a need for infrastructure improvements to be able to take possession of our awards. I believe that we are not typical in the way that we have proceeded to solve those needs.

I have no desire to simply criticize the State Government or DHHL for the dismal record they have for the execution of their trust responsibility without offering some remedies. The easiest, simplest remedy can be the most effective—a simple change of attitude, the recognition that we are not the wards of the State, we are full partners in the social, political, and economic development of Hawaii and we cannot be denied our inheritance.

The Pahe'ehe'e Ridge Association is an Hawaiian homestead community defined by wooden stakes driven into the ground alongside a dusty, meandering, eroding bulldozer track in Lualualei. We have no homes, no water, no electricity, and marginal access. Our homesteads sit halfway up a dry, steep ridge. We want to husband and homestead this land.

In 1986, 67 leases were awarded to homesteads on Pahe'ehe'e Ridge. A map of the ridge was posted on a wall, parcels were drawn on the map and numbered. Each awardee was asked in turn to choose a number until all the parcels were reserved. The first five parcels numbered one to five were not awarded. These were on the makai end of the ridge. Since the awards, the seven parcels at the mauka end of the ridge have been taken back. There are 55 parcels remaining.

These lands were awarded during the Department of Hawaiian Homes Lands Acceleration of Awards Program. The Acceleration of Awards was a response to criticism and allegations of mismanagement and impropriety that resulted from the findings of the Federal-State Land Trust Task Force.

Those of us lucky enough to receive awards were jubilant. We would be able to farm and fish and do the best that we could with this award of land. DHHL said that they would not prevent us from husbanding and working this land, subject to zoning restrictions and conditions and covenants of our leases. This has not been true.

We cannot qualify for available financing without connection to city water or a subdivision plan. We cannot get water service without Board of Water Supply approved water system improvements and a subdivision plan. Grubbing and grading permits will not be granted without a source of water for dust control.

Is it proper or even constitutional to award residential and agricultural leases and then prevent their highest and best use by lessees by establishing rules and conditions that lessees cannot meet and DHHL will not fulfill? We have met homeless Hawaiians who are qualified for and some who have received awards that cannot take possession of their lands because of material and contractual conditions of the leases.

DHHL retains their power as developer but ignores their responsibility to develop the land and they refuse to allow the lessee to act as his own developer. Instead of allowing Hawaiians to wait and die on the awards list, the State is willing to allow the Hawaiians to wait and die on the lease list.

[Laughter and applause.]

Mr. KA'AI'AI. What is the main effort and policy of our government with regard to Hawaiian homelands? What is their policy toward Hawaiians?

We have submitted a chronology of events with our testimony beginning in August 1985 with the announcement of the plan to award leases at Pahe'ehe'e Ridge. This chronology illustrates the difficulty we have encountered in merely trying to take possession of and husbanding this award of land. Upon investigation, we found that our problems are typical of all of the lands awarded during the acceleration of awards program.

Of the 40,000 estimated Native Hawaiians, less than 6,000 have been awarded leases. There are 2,095 lessees that await infrastructure improvements to support farming, ranching, and residential activities. In 69 years, 3,700 leaseholds have been settled by Native Hawaiian beneficiaries. Of the approximately 200,000 acres of Hawaiian homelands, about 32,700 acres are settled by Native Hawaiians. One must raise the question: Has the Department of Hawaiian Homes Lands fulfilled their obligation to administer the trust solely in the interest of the beneficiary? Have they used reasonable skill and care to make the trust property productive for the benefit of the Native Hawaiian beneficiaries?

That 61 percent of the Hawaiian Home Lands inventory is being used by non-beneficiaries for a variety of industrial, commercial, and public uses. These uses generate an income of $1.7 million. DHHL used all of these revenues for administrative costs. The $1.7 million of revenue generated by approximately 98,000 acres of trust lands averages out to $18 per acre per year. Lease an acre in Hawaii for $1.50 a month? Obviously, great skill and care has been used in formulating these lease arrangements, but not for the benefit of the Native Hawaiians.

Our inheritance has been used to help fund the economic development of Hawaii. Our loss helps to finance the standard of living that the citizens of Hawaii enjoy. Also, 33,000 acres of Hawaiian Home Lands have been transferred by executive order or proclamation for use by other departments and agencies of the State with no compensation to DHHL.

In 1978, a constitutional amendment was passed requiring the legislature to adequately fund the Hawaiian Home Lands program costs with revenue from the State general fund. This resulted, 9 years later, in 1987, for the first time, in an appropriation of $22.7 million for planning and program costs, plus an additional appropriation for administrative costs. It was estimated that this would fund infrastructure improvements for about 480 lots and planning for 680 lots. It is 1989. Where are these lots located?

We have been told that they are definitely not at Pahe'ehe'e Ridge. In fact, we have heard that the bulk of this appropriation may be returned to the general fund because the funds were not encumbered.

In August 1987, after more than 1 year of trying to take possession of our awards, a group of awardees at Pahe'ehe'e Ridge formed an association. That October we elected our officers and prioritized our goals. We determined that a statement of objectives would be all we needed to organize ourselves. A charter or articles of incorporation would be cumbersome and unnecessary until our situation dictated what form or direction our association must take. We adopted our name.

Our first priority will always be membership; increasing our membership and encouraging member participation will be foremost. Our association is formed to protect and further the interests of our members to homestead Pahe'ehe'e Ridge.

Our second goal is to use the association's total effort to provide the necessary capital and infrastructure improvements so that our members will be able to properly husband, homestead, and farm their leaseholds.

Our third priority is home financing. We will aid our members in finding, applying for, and qualifying for financing for their homes and homesteads.

In February 1988, S. 2993 was introduced by State Senator James Aki requesting funding for agricultural water for Pahe'ehe'e Ridge.

The bill was defeated in committee. We lobbied with full knowledge of our lack of priority and support from DHHL. We knew that we would not be funded by DHHL for our capital improvements, so we looked for funding elsewhere. We looked at fundraising, we looked for donation of services, we looked at sharing costs among lessees, we looked at having a pro-rated portion of the infrastructure improvements a part of everyone's mortgage, we looked at Federal grant programs. The U.S. Soil Conservation Service has a cost-sharing plan for implementation of a recommended soil conservation plan. We approached OHA. We had no clear way of funding our infrastructure improvements.

The Office of Hawaiian Affairs was created by the 1978 Constitutional Convention and seemed a logical entity to approach for funding. Governed by an elected board of trustees, they were created to hold title to all property conveyed to them as a trust for Native Hawaiians and Hawaiians. OHA was also to receive and hold in trust a pro rata portion of income and proceeds derived from section 5b ceded lands.

OHA's portion was set at 20 percent by the State Legislature. Ceded lands were 1.75 million acres of Crown and Government Lands ceded by the Republic of Hawaii to the United States when Hawaii was annexed.

In 1900, the Organic Act established the territorial government of Hawaii and provided laws for administering the ceded lands. It allowed the President of the United States or the Governor of Hawaii to take land for the uses and purposes of the United States. Though title remained with the Federal Government, possession, use, and control of the lands remained with the territorial government. Revenues from the lands were used for the benefit of Hawaii's people.

In 1959, Hawaii became a State and received title to the Government and Crown Lands. These lands now represented about 1.4 million acres. Ceded lands form the bulk of public lands administered and controlled by the State. The State has yet to make an accurate inventory of these lands, and there remains the problem of what income OHA is to receive a portion of.

When we approached OHA for funding, it was revealed that OHA had no funds that could be used for infrastructure improvements to Hawaiian Home Lands. OHA receives funds that we believe should go directly to DHHL to cover program costs. For some reason, these funds are not available for direct funding to beneficiaries. How do we, the beneficiaries of the trust that these lands represent, go about receiving our portion of the proceeds?

OHA appears to have been invested with the power and mandate to split and diffuse the political power that Hawaiians represent. Is there any other reason for this kind of departmental redundancy and institutionalized inability to properly administer their fiduciary responsibility?

OHA's greatest effort has been to change the blood quantum requirement that defines Native Hawaiians as having 50 percent Hawaiian blood. The reason given for breaking the blood quantum requirement, according to OHA, is to let people with any amount of Hawaiian blood benefit from trust proceeds. What trust proceeds? And how are we all to benefit?

The blood quantum issue is a red herring. OHA has not been able to adequately address the needs of Native Hawaiians effectively, and yet they seek to increase the numbers of beneficiaries. When all Native Hawaiian needs are addressed and reasonable effort has been made to find, register, and serve Native Hawaiians, then it is logical to address the blood quantum issue. Could OHA be looking to legitimatize practices and activities that have occurred or are being planned that will further disinherit Native Hawaiians and Hawaiians?

Now there is an effort by OHA to be the sovereign representative of the Hawaiian people. This cannot be. OHA was created as a department of the State, and no amount of reorganization and amendments will change their basic complexion. No department of the State of Hawaii can be a sovereign for the Hawaiian people. The history of their administration of the native trusts disqualifies them.

The claim to sovereignty for Hawaii's people should not be based on a committee report of some organization formed for purposes other than self-determination. If sovereignty is to be granted, then it must be granted through a government formed by a grassroots effort whose only reason for existence is self-determination and self-government for Hawaiian people.

In all their activities OHA has never asked their constituents if OHA is acceptable as a sovereignty entity. Their claim to having 65,000 registered Hawaiian voters on their rosters does not legitimize their acceptability as sovereignty.

The condition to provide a unified front before sovereignty is granted is, like the blood quantum issue, a red herring. This condition is designed to take the focus away from the real issue. A proper democratic government will provide room for dissention, avenues for change, and broad protection for their people. Sovereign power is granted by citizens and is not subject to the plenary power of the Governor's office.

Will there be true self-determination for Hawaiians or another century of inequality, injustice, incompetence, mismanagement, misappropriation, and disinheritance?

Not finding funds available from our land trusts, we continued to look for funds elsewhere. Our best source of funding for infrastructure seems to be community development block grants. This is a Federal grant program in the Department of Housing and Urban Development.

There is a question of whether these funds can be used for development of Hawaiian Homes projects because of the non-discrimination clause in Federal regulations. However, Pahe'ehe'e Ridge is bordered on the west by privately held lands. These funds could then be used to develop Pahe'ehe'e Road. Pahe'ehe'e Road would form the border between Hawaiian Homestead Lands and privately held lands. This road would provide access to serve both communities. Mail delivery and trash pickup would be made available. The Department of Hawaiian Homes Lands has $1.2 million of CDBG funds available. If they would commit those funds for development of Pahe'ehe'e Road, the funds would pay for completion of half the road.

The State of Hawaii Department of Planning has available 60-40 funds. These are funds to be used for the development of affordable housing. The general consensus is that these funds could be used for development of Hawaiian Homestead Lands without conflict or controversy as long as it does not represent the total financing for the project. If we can get the $1.2 million of CDBG funds at DHHL committed to building Pahe'ehe'e Road, we can then approach the State Department of Planning for matching funds to complete the project.

Admittedly, we at Pahe'ehe'e Ridge, because of our unique interface with the larger community, are fortunate. We can use the Community Development Block Grant funds without violating the Federal non-discrimination regulation. Other homestead communities may not be so fortunate.

Officially, Hawaiians are not included in that special class of citizen titled Native Americans and cannot qualify for the Secretary's discretionary grant fund under the CDBG fund program. This special program can provide funding for the development of Native American communities without violation of the non-discrimination rule.

If Federal funds can be disbursed to DHHL and matching funds provided by the State, we can begin to settle Hawaiians on their lands. This would also ease some of the pressures for affordable housing. There are 17,000 applicants awaiting leases to Hawaiian Home Lands. There are 2,000 lessees awaiting infrastructure. This represents a total of 19,000 households that can be taken out of the housing market.

Taking a planned community approach, Hawaiian homesteads can be an asset wherever they are located. To aggressively settle Native Hawaiians on their land, DHHL needs authority power. The State contract bidding process can take up to four years before a contractor is found for a given project. If DHHL could award contracts on their own authority when plans are drawn and funding secured, they can move quickly. Awards, subdivision development, capital improvements can be a dynamic, ongoing process. Wouldn't it be a welcome change if DHHL had to canvas the community to find qualified Native Hawaiians to fill a new planned community development?

At present, Hawaiian Homestead Commission members are appointed. They should be elected to honestly represent the homestead community and Native Hawaiians. Too often the commission looks like a political rubber stamp office. We need honest representation in the policy making and decision making in Department of Hawaiian Homes Lands.

The legislative approach is a way that Hawaiian homesteaders can get funding for improvements. Many homesteaders wait for DHHL to sponsor the legislation that will provide funding for improvements that are needed. Many homesteaders feel that DHHL is totally responsible for all improvements on Hawaiian homelands and they wait and wait and wait.

In our first experience with the legislature we were surprised to find that legislators knew little of our problems. When we approached legislators with our problems, they would always refer to

DHHL for information. Legislation for Hawaiian homelands will not pass with opposition from DHHL.

Senator James Aki introduced Senate bill 1104 this past legislative session. Senate bill 1104 asked for an appropriation of $9.7 million for infrastructure improvements at Pahe'ehe'e Ridge. We received an appropriation of $300,000. A major factor in receiving any appropriation at all was a lack of opposition by DHHL.

We want to apply this appropriation to begin the engineering and design of our subdivision plan. Once we have these funds encumbered, we can again approach the legislature for more funding.

The lessons we learned from these experiences can be used by all Hawaiian homesteaders: persistence, organization, and cooperation. Set your goals and don't give up. Organize a lobbying committee to phone and meet with legislators and administrators. Ask them for support, make no deals, and thank them for their time. Cooperate with and correspond with DHHL. No Hawaiian homestead legislation will survive without DHHL support.

We, the Pahe'ehe'e Ridge Association, deny the charge that we are wards of the State. We have proceeded carefully to obtain possession of our land. We have competed for funds in the same arena that the public competes. We have formed agreements with our good neighbors across the road to allow access and share water. We have been approached by commercial interests willing to invest in our future agricultural production.

In 1990, we will establish our nonprofit tax status so that we may receive funding directly and disburse those funds for the betterment of our community and our members. We want to farm and care for our land. It is unacceptable for us to allow the barriers and obstacles placed before us to halt our progress and our pursuit of happiness.

The Pahe'ehe'e Ridge Association requests that the Senate Select Committee on Indian Affairs disburse $9.7 million of CDBG funds to DHHL for completion of infrastructure improvements at Pahe'ehe'e Ridge. We request that official recognition of Hawaiians as Native Americans be granted so that we can share the same rights and opportunities afforded all other Native Americans. We ask that the State and Federal Governments properly execute their legal responsibilities as trustees for the Hawaiian people and begin implementing the 134 recommendations of the Federal-State Land Trust Task Force Study of 1983. We request that all injuries to the Hawaiian people be corrected in a timely and proper fashion. We ask that we be granted the same right to due process of law as any other U.S. citizen.

The record of the administration of Hawaiian Home Lands over the past 69 years cannot be erased, but great strides can be taken in the right direction if reasonable effort is used not to settle the remaining Native Hawaiians on their home lands.

Recognition of Hawaiians as Native Americans is necessary for us to qualify for Federal programs and funding that we sorely need. Redress for past injuries need to be examined. The Federal-State Land Trust Task Force recommendations are fair and just. They need to be implemented quickly before their intent and purpose is obscured by political complexity and expedience. The longer this injustice against Hawaiians continues, the greater the ultimate cost will be. Already, if justice is served, the State of Hawaii will be bankrupt.

A negotiated settlement between Hawaiians and the Federal and State Governments can benefit all, but a fair settlement will only be reached by negotiation between equal entities on a government-to-government basis. The State and Federal Governments will negotiate in their own best interest, and only Hawaiians can negotiate in their own best interest.

By remaining the wards of the State, our rights to life, liberty, and the pursuit of happiness are being denied. Our statistics for health, education, mortality, crime, drug use, economic development, and homelessness are appalling. Statistically, we are a Third World nation inside the world's richest country. We can do not worse for ourselves than has been done for us.

Six years after the Land Trust Task Force Recommendation, 11 years after an historical State Constitutional Convention, 30 years after Statehood, 69 years after the Hawaiian Homes Commission Act, 89 years after the Organic Act, 97 years after the illegal overthrow of our government, 211 years after we discovered a lost, foreign ship in our waters, through disease, pestilence, and repression, we remain on the bones of our ancestors and claim our birthright. We can do no worse than has been done for us.

Change is imminent. Maintaining the relationship we had in the past will be difficult, at best. The past 20 years have brought about changes unimagined 70 years ago. There have been constitutional changes and legislative support. Changes of awareness are evident in the participation in the activities of Hawaiian institutions. Hawaiian organizations are being formed in great numbers: OHA, Alu Like, Ka Lahui Hawaii, Ho'ala Na Kanawai, Protect Kaho'olawe Ohana, The State Council of Hawaiian Homestead Associations. All looking for answers. All looking for proper representation. Even older, more traditional organizations are asking the difficult questions. We need to take responsibility for our own lives and regain control of our own destiny. Self-determination is inevitable.

Thank you.

[Applause.]

The CHAIRMAN. Mr. Ka'ai'ai, the committee thanks you for your most eloquent presentation of your thoughts.

Mr. KA'AI'AI. Thank you.

The CHAIRMAN. I can assure you that your cause is a just one and that your prayers are heard.

Mr. KA'AI'AI. Thank you, Senator.

[Applause.]

[Prepared statement of Mr. Ka'ai'ai appears in appendix.]

Mr. KA'AI'AI. Mike Kahikina.

The CHAIRMAN. Please identify yourself before proceeding.

STATEMENT OF MICHAEL P. KAHIKINA, PAHE'EHE'E RIDGE ASSOCIATION

Mr. KAHIKINA. My name is Michael Puamamo Kahikina.

Senator Daniel Inouye and members of the Senate Select Committee on Indian Affairs, Ano ai me ke Aloha. In the Spirit of Aloha, greetings.

I am a Native Hawaiian born and reared in the 50th State of America, Hawaii. I served in honor and duty in the U.S. Air Force during the Vietnam era from 1968 to 1972 as an aircraft electrician on KC-135's and B-52 bombers. I am exercising my First Amendment right to speak before you on the subject of the Hawaiian Homes Commission Act of 1921.

In 1986, my family and I were fortunate to be among the 67 leases awarded on Pahe'ehe'e Ridge, and I do concur with our president of Pahe'ehe'e Ridge Association, Mr. Charles Ka'ai'ai—the speaker before me—identifying our concerns and needs.

I do not wish to be redundant in my testimony but serve as documented proof, echoing our concerns and needs as citizens of the United States of America and Native Hawaiians in the State of Hawaii seeking the privilege given to us in the Hawaiian Homes Commission Act of 1921. We are lost in a bureaucracy that hinders our unalienable rights to life, liberty, and the pursuit of happiness; and, therefore, we seek to secure these rights before you, requesting your assistance in reaching our goals.

As our late beloved Governor John Burns fought and secured Statehood for Hawaii, I, too, wish to secure solutions to the curable problems we face as Mr. Blaz. Hawaiians. Ratifications within the compounds of freedom and democracy are the long-term solutions I seek. Therefore, I urge your actions be taken upon the concerns voiced by our president, Mr. Charles Ka'ai'ai.

In closing, I'd like to share a prayer request I have been praying diligently. I pray that the good Lord will bless you and your families. I pray that He will give you the wisdom and courage to act within your powers to release the motion of democracy and justice that is overdue for the Native Hawaiians. I pray that the good Lord will give you the understanding of the problems that we humbly present before you. Take these concerns to your heart, and return in favor of righteousness.

Mahalo for your time and patience, and God bless you.

[Applause.]

The CHAIRMAN. Thank you very much, Mr. Kahikina. Thank you very much. We appreciate your eloquent statement.

And now may I call upon the representatives of Wai'anae Valley Homestead Community Association.

STATEMENT OF OLIVE KEPA, PRESIDENT, WAI'ANAE VALLEY HOMESTEAD COMMUNITY ASSOCIATION

Mrs. KEPA. Honorable Daniel Inouye, Chairman, The U.S. Senate Select Committee on Indian Affairs and The U.S. House of Representatives Committee on Interior and Insular Affairs——

The CHAIRMAN. May I interrupt you, Mrs. Kepa? [Laughter.]

Mrs. KEPA. Yes.

The CHAIRMAN. I just noticed a very dear friend, the former Governor of the State of New York, who has come in to take in the hearing, so may I present to you the Honorable Hugh Carey.

[Applause.]

UNIDENTIFIED SPEAKER. You're doing a great job. Mr. Chairman, he was also a great Congressman of the State of New York.

The CHAIRMAN. I'm sorry. Please proceed.

Mrs. KEPA. Aloha and Mahalo to you, Senator Inouye and your distinguished panel.

My name is Olive Leinaala Kepa. I am the president of the Wai'anae Valley Homestead Community Association, Inc. Today I will submit our written testimony on behalf of the Wai'anae Valley Homestead Community Association. Our homestead association has had three meetings, of which our presentation today has met with our people's unanimous support and approval.

Mahalo nui for the opportunity of sharing with you our concern as beneficiaries of the Hawaiian Homestead Act. We are grateful for this opportunity.

We, the aboriginal natives of this land, beneficiaries of the Department of Hawaiian Homelands who reside in Wai'anae, anxiously approach this hearing as the apex of evolution and change, collective planning for diversity and choice.

We see this process as vital for our survival as a people. This hearing involves all of us in the creative, critical, and practical application of future inventing, insuring the interaction of all directly interested and affected parties, providing an opportunity for all to be represented and heard—something quite new in our experiences with the U.S. Government.

The potential for varied views could and should be an opportunity to provide the evolutionary development of a desirable diversity with the complex ecology of our Hawaiian communities.

We view ourselves as a conquered people, a people who survive at the very whim of the conqueror. we are forced to colonize, which tears at the very fabric of the democratic principle of equal opportunity. With this process you offer us today, we glean hope for our seed, realization that many of us have become pawns in the struggle for land and power. We are sick of being manipulated—manipulated by the State, Federal, and County Governments. In the final analysis, you and your colleagues will have to make the determinations. We pray for justice.

And now may I present our first presenter, Frenchy Keanuenueokalaninuiamamao DeSoto.

[Applause.]

STATEMENT OF A. FRENCHY KEANUENUEOKALANINUIAMAMAO DeSOTO, WAI'ANAE VALLEY HOMESTEAD COMMUNITY ASSOCIATION

Mrs. DESOTO. Hello, Senator. Aloha to you.

As Olive introduced me, my name is A. Frenchy Keanuenueokalaninuiamamao DeSoto. I am a homesteader in the Wai'anae Valley Homestead Community.

The Wai'anae Valley Homestead Community currently consists of 374 lessees with approximately six members per household. In preparation for these very important meetings, our association held several meetings beginning in February with the homesteaders in an effort to identify their specific issues in the order of priority. These positions, as we present to you tonight, were adopted unanimously by the homesteaders.

The top or highest priority for our particular homestead is the issue of successorship and blood quantum requirements that unduly and unnecessarily limit the rights of native lessees to will or otherwise devise their property to their descendants.

As you travel across the State I'm sure that you will hear many, many proposed formulas for change. What you will glean from all of that, as diverse as the formulas are that are going to be presented to you, is a need to address this specific issue.

It is immoral to continue the divisive implication of the act in section 209, for surely to do so would leave us perpetually impaled, hopelessly writhing in pain on these horns of dilemma.

The Wai'anae Valley Homestead Community is in strong consensus that something must be done. The next question is what. As most of us are lay people with very limited resources, we don't have the nuts and bolts of prepared legislation for your consideration and/or introduction; however, we do have a proposal for your consideration.

We propose that the Hawaiian Homes Commission Act be amended to allow for 999-year leases, and that the lessee shall determine his/her successor who must be a descendant, irrespective of blood quantum. Guarantees shall be provided to insure the land inalienable.

We also recommend the amendment include a single definition of Native Hawaiian to mean any individual whose ancestors were original natives of the area which constituted the Hawaiian Islands prior to 1778. Proper guarantees to protect the rights and privileges of those holding or waiting a Hawaiian Homes award must accompany this change.

The future of our families lie in your hands. The blood quantum issue tears across the very fabric of our culture. Congress has allowed a law to be implemented on my behalf that separates me from my grandchildren, separates families from families eha Ka puuwai. We can no longer tolerate that.

Those who will come before you and profess to represent me have not been given that authority. I stand before you ready to answer any questions that this honorable body might have. I do not intellectualize the condition of the homesteader. I eat, live, breath, and exist.

Maholo.

[Applause.]

The CHAIRMAN. Thank you. As always, Frenchy, you were most eloquent. I can understand why some have referred to you as the Hawaiian Joan of Arc. [Laughter.]

Mrs. DESOTO. I have been called worse. [Laughter.]

Mahalo, sir.

The CHAIRMAN. I have just one question.

Mrs. DESOTO. Yes, sir.

The CHAIRMAN. If the law is amended to provide for a 999-year lease, what would happen to the many thousands of Hawaiians who could qualify but have no lands?

Mrs. DESOTO. I would suggest, with deep humility, that you seriously look at the general leasing practices of the department, how much acreage is presently being used by other entities. Our lands are being eroded for parks, public utilities, et cetera, out of the trust corpus. And over this length of time from 1920 we have only been able to utilize 33,000 acres. There is sufficient land available, and I'm sure that tomorrow you'll be hearing about the Ceded Land Trust corpus. So there are many, many places within the trust to provide for that.

The 999-year lease was a recommendation based on the fact that what presently exists is no longer acceptable. The 99-year lease, as far as our Wai'anae Valley Homestead Association is concerned, is not acceptable any more. In 30 years we will be having to remove people from the ai'ana completely.

The CHAIRMAN. Thank you very much, Frenchy.

Mrs. DESOTO. Thank you, sir.

The CHAIRMAN. We appreciate it.

[Applause.]

STATEMENT OF GERMAINE LOKANA KELIIKOA, WAI'ANAE VALLEY HOMESTEAD COMMUNITY ASSOCIATION

Ms. KELIIKOA. Aloha. My name is Germaine Lokana Keliikoa. My subject is housing alternatives.

Problem statement: The average homestead family consists of six people. Many of us have our children and their families. They are unable to find housing due to the high cost of rent versus their incomes.

Section 8, a rental subsidized program, has a long waiting list which is compounded by trying to find a rental unit within specifications of government entities as well as landlords. A few of us are with kupuna. Add another generation.

Within our homes is love and care, and sometimes we hurt each other because of the stress of so many under one roof struggling to make it work because we must make it work. With kupuna's patience and strength, we look to better days.

The Department of Hawaiian Home Lands has always been plagued with inadequate funding. Whether proceeds of the general leases have adequately assessed in the evaluation of the property, as well as escalating as property values increase, or the State Legislature appropriating funds designated for housing in two separate sessions, for infrastructure and actual construction of homes, the frustration of the department and beneficiaries multiplies with time.

The loss of land which would help lessen the burden tremendously has yet to be cleared in the records of the department, State and Federal Government, to whom the trust responsibility lay.

Resolution: The Wai'anae Valley Homestead Community Association therefore recommends:

First, that the State Government design and implement housing projects for the low and medium income people of Hawaii as soon as possible, setting aside a greater portion as rental units.

Second, with the scarcity of land, that the department look into the feasibility of condominiums for our younger families who may want just the living space and not ground property as we do.

Third, that kupuna housing be made available to all kupunas eligible so they may be able to live among their peers; and kupuna housing be on homestead land to be near family and friends, as well as on other lands belonging to the department; that the design and construction of kupuna housing include consideration of their age; and, lastly, that they retain their dignity by being able to rent their homes on a sliding scale.

Fourth, that the department look into offering private developers an opportunity to do the infrastructure work as well as housing, with the department specifying the needs to be met and amounts expendable.

Fifth, that the Federal and State Government extend tax credits to these developers as an inducement to participate in the program, and that these credits be extended over the years.

Sixth, that the opportunity to participate in the Hula Mae program, or any other Federal, State, our County housing program that is offered to the general public, also be made available to all homesteaders.

Mr. Chairman, distinguished panel, mahalo for your concern and kind consideration of our mana'o.

The CHAIRMAN. And Mahalo.

[Applause.]

STATEMENT OF LANI C. KALEIOHI, WAI'ANAE VALLEY HOMESTEAD COMMUNITY ASSOCIATION

Ms. KALEIOHI. Aloha and good evening Honorable Senator Inouye and your distinguished panel. My name is Lani [Hawaiian word] Kaleiohi, and my topic is traditional and cultural concerns.

Originally Nancy Luhana Kahananui was supposed to make the presentation, but she is not well.

Reference: Federal-State Task Force on Hawaiian Homes Commission Act Findings and Recommendations, pages 55 and 56.

Findings: There isn't any reference to native rights or cultural practices in the Hawaiian Homes Commission Act as amended or the rules and regulations of the Hawaiian Homes Commission.

Section 7-1 of the Hawaii Revised Statutes does not prevent the Hawaiian Homes Commission or the Department of Hawaiian Home Lands from acknowledging Mr. Blaz. Hawaiian rights, cultural or traditional practices, or from implementing regulatory provisions acknowledging such rights.

Rehabilitation of the Native Hawaiian implies that traditional and cultural practices of native beneficiaries, to the extent not precluded by law, should be respected and acknowledged by the DHHL in order to enable native beneficiaries to return to their land and to provide for self-sufficiency and initiative for the preservation of their culture.

Native rights should include, but are not limited to, the following:

First, rights to gather, hunt, and fish for subsistence and livelihood purposes;

Second, rights to have access to the mountains and the sea and to the traditional trails;

Third, right of worship and access to sacred places of worship; and

Fourth, rights to running water for subsistence and agricultural purposes.

Recommendations: The Hawaiian Homes Commission should adopt policies and promulgate rules and regulations acknowledging the traditional and cultural rights of the Native Hawaiian people.

Leases or other legal documents issued by DHHL which award rights to land to native beneficiaries or others should contain provisions whereby the traditional and cultural use rights of Native Hawaiians are acknowledged and allowed on Hawaiian homelands.

The Hawaiian Homes Commission and the Department of Hawaiian Homes Lands should adopt policies and procedures whereby Native Hawaiians or associations or huis of which they are members may obtain access to Hawaiian homelands in order to exercise native rights such as gathering, fishing, hunting, and religious worship.

Mahala for this opportunity to appear before you and your panel. [Applause.]

The CHAIRMAN. Thank you very much.

STATEMENT OF GERMAINE LOKANA KELIIKOA, WAI'ANAE VALLEY HOMESTEAD COMMUNITY ASSOCIATION

Ms. KELIIKOA. My name is Germaine Keliikoa I will speak on the subject of self-governance or sovereignty.

Problem statement: Sovereignty or self-governance is an appealing, yet frightening, word. We have smiled in the past thinking sovereignty, and now we question ourselves.

What does it truly mean? Does it mean that Mama looses her Medicaid? Does Joe loose his entitlements as a retiree of the military services? Do we still receive help for human problems beyond our control? What of Social Security? Where are the give'ens as well as the bennies.

How will our government be structured? The return of the Alil? A caste system? What of fiscal stability? Where's our government's operational cost coming from? Who does what for whom? Will the United States Government still embrace us as a sovereignty nation?

Resolution: Our homestead association is interested in learning more about sovereignty, and, therefore, recommends that the United States Government:

First, help provide experts in the field of government to explain the difference between the system of government we presently enjoy and those of a sovereignty.

Second, help in providing people presently living under that system of government share their experience, as well as literature of their nation under this system.

Third, afford all our people an opportunity to learn more about self-governance before we take a stand that will impact on us hereafter.

Fourth, ensure our people, the Native Hawaiian, involvement in this native entity of self-governance.

Fifth, Understand that we will not be forced to accept any preprescribed structure, but should be involved in the creation of a truly representative body.

Thank you.

[Applause.]

The CHAIRMAN. I thank you very much, and I assure you, Ms. Keliikoa, that all of your recommendations, without exception, will be carefully considered.

STATEMENT OF OLIVE KEPA, WAI'ANAE VALLEY HOMESTEAD COMMUNITY ASSOCIATION

Ms. KEPA. Taxes. Problem Statement: Hawaiian homelands which have been awarded as homesteads are assessed in the same manner as privately held lands for real property tax purposes. As the lessee gets older, their earning capability is less, but their tax assessments continue to escalate. There is no mechanism in place for lessees to recoup their investment in the land. Since Hawaiian homelands cannot be alienated, it may be appropriate for such lands to be assessed differently.

One of the ironies of this provision is the fact that as one improves one's leasehold, one is penalized by tax increases, discouraging upkeep and maintenance and even the semblance of continuity essential for all people's well-being.

Resolution: Our homestead association therefore recommends: The Hawaiian Homes Commission Act, section 2008 (6), be amended so as to provide by statute Hawaiian Home Lands to be assessed differently from private lands.

Eventually, the Hawaiian Home Lands program will be only for the affluent, and those who need it most will be disenfranchised.

Mahalo for your time and your patience.

[Applause.]

STATEMENT OF EVANITA KAPIOLANI ILABAN, WAI'ANAE VALLEY HOMESTEAD COMMUNITY ASSOCIATION

Ms. ILABAN. Honorable Senator Inouye and distinguished panel, I am honored to be a part of the testimony presented today by the Wai'anae Valley Homestead Association and will speak on Hawaiian health.

Aloha kaua. My name is Evanita Kapiolani Ilaban. I am honored to come before you and speak on behalf of our homestead community.

The life expectancy of Native Hawaiians is the lowest of all major ethnic groups in the State of Hawaii and is approximately five years less than the State average. In addition, we suffer from the highest age-sex standardized mortality rates of any of the major ethnic groups in this State. As an example, you might refer to the research findings submitted.

On this chart here we have the leading causes of death in the U.S. on one side with heart disease being number one and cancer being the second.

On the second chart we show the mortality of pure Hawaiians from leading causes of death compared to the U.S. average. For the number one cause of death, heart disease, the U.S. average shows approximately 200 mortalities per 100,000 as compared to 500 per 100,000 in the Hawaiians. And the second leading cause of death in the U.S. average shows approximately 150 on cancer and over 300 for the Hawaiians—almost double the amount of mortality rate.

On another chart prepared by the National Cancer Institute, age-adjusted cancer incident rates per 100,000 by racial and ethnic groups from cancer, we are second only to the blacks on the overall death rate.

A survey taken in 1980 by the U.S. Census showed that the Native Hawaiian population comprised only 19 percent of the total population. Currently the rate has increased to 20 to 21 percent.

A report from the Wai'anae Coast Cancer Control Program states, "The Native Hawaiians have suffered as an indigenous group and have been alienated in their own land."

There are many factors that contribute to the health problems and high mortality rates in Native Hawaiians such as low socioeconomic status, culturally unacceptable attitudes, access to and under-utilization of health care services. A few revert to home remedies as a solution that can't be met otherwise. Sometimes, even though government provides services that are sorely needed and wanted, the approach, environment, and cultural appropriateness is overlooked.

Our recommendation: The mainstream of health services in Hawaii is characterized by western concepts and practices, resulting in a system which is indifferent to Native Hawaiian values, help-seeking behaviors, treatment goals, problem-solving methods, and communication styles.

Therefore we seek:

First, more programs to be made available in the health care professions to Native Hawaiians according to ability rather than income. There are not enough Hawaiians in the professional field, and they are the ones who know what is culturally acceptable.

Second, the promotion, recognition, and utilization of kupuna-type native healers in community-based health care centers.

Third, to aid health programs and projects that deal directly with Native Hawaiians giving consideration to the culture and traditions of the people.

Furthermore, we ask that the skills and practices used in the state-of-the-art treatments be taught to Native Hawaiians so they may carry their learning experiences to greater heights of good living and health.

May I, at this time, Senator Inouye, thank you and your colleagues in Congress for your generous support to the National Cancer Institute, as well as the Native Hawaiian Health Care Act.

As a Hawaiian community member of the Wai'anae Coast Cancer Planning Committee, we travelled to conferences conducted by the National Cancer Institute and shared information and ideas in the Black Leadership Initiative on Cancer Network.

We are very proud of your dedication to the good health of our Nation's people and the promotion of involvement of our Hawaiians, as noted by Dr. Maurice Sulliven, was then Chairman of the Board of the National Cancer Institute, and as others have often remarked.

We are looking forward to the Native Hawaiian Health Care Centers to be established statewide as provided for by the act and under the guidance of Papa Ola Lokahi. We are hopeful that the mana'o of the people to be served in each area is solicited by the administrators of these centers. I believe that to know and understand one's responsibilities to the other and the limitations within reason will help us to make our joint ventures successful.

Mahalo for your valuable time and kind consideration of our people.

The CHAIRMAN. Thank you very much for your kind statement. Thank you very much.

STATEMENT OF OLIVE KEPA, WAI'ANAE VALLEY HOMESTEAD COMMUNITY ASSOCIATION

Mrs. KEPA. Our community association is a proud member of the State Council of Hawaiian Homestead Associations. The groundwork laid within the past year shows initiatives and innovative thinking, planning, and implementation of the foundation of the newest Hawaiian institution, whose basic structure and values are those of the beneficiaries of the Hawaiian Homestead Act.

We know that together we can accomplish much, each contributing to the betterment of the whole.

We are supporters of the Hawaiian Homestead Association's position on self-government and the idea that we must learn even more of what it means, can do, and will do for our people so we may assume full responsibility for ourselves when our people have been educated in this system of government, participate in the new government structure and elect to have self-government for ourselves.

Blood quantum: We support the original lessee requirement of 50 percent quantum. We also recognize that our people have embraced others of another heritage and the thinning of our blood is an eventuality we must face and plan for.

To dislocate families after generations have come and gone could. Could that possibly be the intent of the act to rehabilitate is to remove the generations who have benefitted from past struggles and sacrifices to physically and morally tear at the very fiber of the advancement of man?

We support the renewal of the 99-year lease.

Summary: Many of the concerns of the concerns of the Homesteaders you will hear the same concerns over and over again. You have probably heard it for years now. So has our State Government. That can mean only one thing: the needs of our people have not been addressed when it was first brought to light.

We are hopeful that this hearing will be different—that the proceedings won't just have a beautiful binding and sit in the Library of Congress, in every Legislator's office in Hawaii, in the committees in Congress and Federal agencies and our homes to gather dust. We hope that this hearing will be different from the State-Federal Task Force findings or the Native Hawaiian Study Commission's report—no results, no action, lots of frustration for our people, lots of time lost, lessening of the faith in our government and public officials.

Senator, many of the ills of the Department of Hawaiian Home Lands and her beneficiaries are the product of the neglect of the Federal and State Government to carry out their responsibilities. Show us that there will be a change as you hear our justification for change. Do it one time, two times, ten times. Do it. Let's see our government change and make this a productive hearing.

Our grateful appreciation for your patience and your [Hawaiian word]. Mahalo.

[Applause.]

The CHAIRMAN. Thank you very much, ladies. I can assure you that I do not intend to sit here 11 hours a day for 5 days just to get a nice binding on a report. [Laughter.]

We will get some action out of these hearings.

[Applause.]

[Prepared statement of the Wai'anae Valley Homestead Community Association appears in appendix.]

The CHAIRMAN. Now may I call upon the representatives of the Nanakuli Hawaiian Homestead Community Association.

[Applause.]

STATEMENT OF KAMAKI KANAHELE, NANAKULI HAWAIIAN HOMESTEAD COMMUNITY ASSOCIATION

Mr. KANAHELE. Aloha, Senator.

Again, I am Kamaki Kanahele. You first saw me wearing my chairman's hat for the State Council, and I am also the president of the Nanakuli Hawaiian Homestead Community Association.

Speaking on behalf of our association will be the vice president of the board, Mr. Black Hoohuli, Mr. Larry Awana, Airleen Lucero, Marlene Kahoonei, and finally a very distinguished young man to speak for the opio, the younger generation, Mr. Kimo Kelii will be our final speaker. At the conclusion of his talk, Senator, that will conclude the evening and the representatives from the Island of Oahu.

Senator, for a point of record, as chairman of the State Council my presentation at this time on behalf of the State Council will be made on the Island of Hawaii at the completion of your tour. I take one special point of privilege, please, Senator, in welcoming home my brother, Congressman Eni Faleomavaega. It is so good to see you. Welcome home.

With great pleasure, I present Mr. Black Hoohuli.

STATEMENT OF JOSIAH L "BLACK" HOOHULI, NANAKULI HOMESTEAD COMMUNITY ASSOCIATION

Mr. HOOHULI. My name is Josiah L. "Black" Hoohuli. I am a lifelong resident of Nanakuli Homestead and a member of the Hawaiian family that pioneered settling the Nanakuli Homestead.

I am employed by the State of Hawaii in the Department of Education as Supervising Custodian. It has been 22 years since I have started with the department; 19 of those years have been in Nanakuli.

I'm the vice president of the newly formed Nanakuli Hawaiian Homestead Community Association. I am also a citizen of Ka Lahui, Hawaii. Today I am here to present my needs and concerns.

The Department of Hawaiian Homes Lands is not a company. It is not an organization, nor is it a club. It is an agency in the government of the State of Hawaii, along with other State agencies like the Department of Education, Department of Transportation, Department of Social Service, Department of Land and Natural Resources, University of Hawaii, and the Office of Hawaiian Affairs. These agencies serve the general public without discrimination, as they should, and are funded by the State Legislature. Yet, the Department of Hawaiian Homes Lands has the most problems. Besides the Department of Land and Natural Resources, the Department of Hawaiian Homes Lands has land management responsibilities because it has a land base. Could that be the reason for such problems?

Management of Hawaiian Homes Lands. There is a serious need to better manage the Hawaiian Home Lands Trust and to develop and distribute land, resources, and house to native Hawaiians. The 99-year leases at $1 a year serve as good incentives to Native Hawaiians and, at the same time, confuse us. When we have to pay property tax and not be able to take it to the bank to improve on property.

At the same time, the department leases to non-beneficiaries at fair market value to sub-lease for profit. Non-beneficiaries like the State, City, County, and Federal agencies are not required to pay so that the department can profit.

Situations that embarrass the department are resolved through quick disposition at the general public attorney's direction, Attorney General's Office, sometimes not to the best interest of the beneficiary.

The State does not know who we are and how to treat Native Hawaiians. Are we wards of the State? Orphans? Beneficiaries? General public? Or second-class citizens?

The beneficiaries and the Department can both benefit from a better relationship with the Native Hawaiian community by increasing communications to all beneficiaries, not just to those on the land.

Infrastructure: We have been awarded lots with no infrastructure, and are expected to build homes with little or no funding that comply with city building codes. Some have gotten their leases but no infrastructures. Leases should be awarded when financing is available and provided through programs supported by revenue gained from leasing to non-Native Hawaiians—preferably U.S. Government agencies and their subsidiaries.

The purpose of the Department of Hawaiian Homes Lands are prescribed in the Hawaiian Homes Commission Act of 1920. As defined by the act, the department is assigned broad responsibilities for administering resources to place Native Hawaiians on lands designated as Hawaiian Home Lands and providing Native Hawaiians with opportunities to improve their living conditions.

The Office of Hawaiian Affairs is another State agency receiving revenue from section 5(f) of the Admissions Act for the Native Hawaiian beneficiaries.

The Office of Hawaiian Affairs insists on enlarging the Native Hawaiian beneficiaries with little regard to the needs and concerns of the present beneficiaries. It is the general public's position (Non-Native Hawaiians) to be included in the Native Hawaiian benefits. Here are two land trusts with Native Hawaiians as beneficiaries. The State, through lack of understanding their fiduciary responsibilities to the Native Hawaiian, have continued to mismanage and interpret Native Hawaiian rights through general public positions.

It is clear, that not only is the Department of Hawaiian Homes Lands being negligent of their responsibilities to the Native Hawaiians, but so has the Office of Hawaiian Affairs.

Selling the house and lease on Hawaiian Home Lands to another 50 percent Hawaiian that is not on the waiting list: A person could be on the waiting list for one to 10 years and be awarded a lot and can sell it to any one that is 50 percent Hawaiian. I don't think this is the purpose of the act, itself. It says very little for the Native Hawaiian waiting to be offered a chance for a home.

My recommendations: The problem is with the State of Hawaii and their understanding of responsibilities to the Native Hawaiian. The State has been learning to provide for Native Hawaiians in the context of general public from Statehood. It is our learning curve, and therefore we should be a major participant in the process.

We, the Native Hawaiians, feel that management of both land trusts by the State of Hawaii have not been to our best interests and that we can manage these assets. We have the determination to and we will gain the experience. This is our experience to self determine. We have what it takes to run a nation. We have the land. We have our culture. We have a Constitution, and we are the people. Sovereignty, self-sufficiency, and self-governance are benefits that we have to learn, and we cannot learn these when the State is confused and in control of Native Hawaiian benefits.

Thank you for this opportunity to express my mana'o here today. I have expressed my most serious concerns with you and I would welcome additional time to further discuss these matters.

[Applause.]

The CHAIRMAN. On behalf of the committee I thank you, Mr. Hoohuli, for your mana'o. Thank you very much.

[Prepared statement of Mr. Hoohuli appears in appendix.]

The CHAIRMAN. Mr. Kanahele, who is the next witness?

Mr. KANAHELE. Presenting his testimony is Mr. Larry Awana.

STATEMENT OF LARRY AWANA, NANAKULI HAWAIIAN HOMESTEAD COMMUNITY ASSOCIATION

Mr. AWANA. Senator, your distinguished committee, my name is Larry Awana.

After being on the award list for Hawaiian homelands for approximately 12 years, I was finally awarded residential lease lot number 7322 lower Nanakuli Valley Subdivision on November 1, 1986.

At that time, I was asked to sign a letter of understanding over acknowledgement that the roadways, utility lines, and/or hookups were not available due to lack of funding.

The projection date for completing the necessities was three years. As of today, there is still no tentative date for putting in the roads or utilities. Three years of our lease have gone by with no answer as to when we will be able to build our home.

I feel this Accelerated Award program of 1,500 lots awarded in 1986 was just a way of appeasing 1,500 Native Hawaiians. No real reason has been made to benefit these lessees. Why award these lots when no funding was available? What purpose was there in accelerating the distribution of these lands? In my opinion, no purpose at all.

In closing, I hope my testimony will benefit others who are in my position.

Thank you for your time.

[Applause.]

Mr. KANAHELE. Our next presenter, Senator, is Airleen Lucero.

The CHAIRMAN. Welcome to the committee, Ms. Airleen Lucero.

STATEMENT OF AIRLEEN LUCERO, NANAKULI HAWAIIAN HOMESTEAD COMMUNITY ASSOCIATION

Ms. LUCERO. Aloha Senator Inouye and members of the committee.

I am here today to express my concerns regarding the state of our indigenous people of Hawaii and the plight of many without homes or lands necessary for survival and to share my viewpoints regarding the blood quantum and sovereignty issues.

I believe that the Hawaiian Home Lands as a governed State entity has not adequately met the needs of Hawaiians in securing for them homes in which to live. The statistics have been numerous from Billie Beamer and everyone prior to me, so I'll not share statistics today. My main concern is for those who are not as fortunate as I am; who live in cars, who are homeless. They are hiding in the mountains and on the beaches trying to be incognito.

It is for these that I come to speak, just because I have my land—and I have it not through the process of the Department of Hawaiian Homes Lands, but through my great-grandparents who gave it to my mother, Emma Woolsey-Hoohuli, who had found it in her heart to call me from Arizona where we were living just that 1 year in Arizona trying to find a job and some place to buy a home. When she shared that she was going to give up our place I told Mama, "Don't do that. I'll come home."

Just because I'm one of those fortunate ones, we have to speak for those who are Native Ohana, who are indigenous people, who have no home.

I live in Nanakuli and pass Maili land there set aside by the Catholic Church for poor people or people who are homeless.

Right now economic development of our Waianae Coast and the prosperity of the rich have displaced many Hawaiian people, making the ownership of a home beyond their reach. With the current development happening along the Wai'anae Coast and the uprising of golf courses in numerous numbers and foreign speculation of the land that, at one time, as my grandmother shared with me, Kupuna Katherine Mauna Kea, a land that no one wanted, a land with no running water.

The oral history she shared with me—and it was just a few years ago when my son had to do a report for his Kamehameha School eighth grade project, and he had to find out history of where he lived. So she told him. In those days they sent them out to this coral land, with Keawe trees, in which the pioneers had to go in and manually excavate and clean out those lands—coral land that today is very beautiful. In my back yard you can hit coral in less than two inches deep.

[Applause.]

Ms. LUCERO. It was these lands that they gave to our Hawaiian people. There was a time in my life—because of my mother's second marriage to my daddy, who I love very much, who was from Des Moines, Iowa—being Hawaiian was not in. I was not allowed to know my Hawaiian heritage—in fact, made very ashamed of being an indigenous child at that time. And it wasn't any good, anyway, for in the public school when you learned that as a Native Hawaiian you were a cannibal and that you made human sacrifices and that you did all these things that were very negative and learned that you were lazy because you didn't work on the sugar plantation.

When my grandmother shared her side of the story there was not bitterness. And she shared that these lands that they gave the Hawaiians there were lands without fresh water, and the people there had to drink brackish water. And the history and the name of Nanakuli meant no ears, because for a Native Hawaiian indigenous people to refuse hospitality to travellers who would travel on foot through Nanakuli going to Wai'anae and you didn't offer travellers water it was very unrighteous. It was shameful. But many of them were too ashamed to offer them water they had to drink which was mountain water mixed with sea water.

Today we see the Hawaiian homestead lands in Nanakuli very beautiful and prosperous to look at. And now my only question is where, will we find adequate housing for our indigenous people, there just isn't any.

Another problem that we will be facing—soon besides the golf courses, is a problem that will affect our whole island and it is the docking of the Missouri and its 2,000 additional people.

Military governments can subsidize their employees or personnel, but in the process our Native Hawaiian people have to compete for those rental units, and many of them now presently hold leases but they are not able to live on them now but have to pay rent while waiting.

Renting will be a problem for the 36 percent of our native people of our population of 45,000. It is not 45,000 yet, or else we would be considered a city in Nanakuli and Wai'anae combined and we would be able to have adequate ambulance service. So since we are not at that 45,000 level, the population of our people there, 36 percent are now living on welfare and 21 percent living below the poverty level.

With this new influx of people who will come here to live, people who will not be taxpayers because they are military and pay no State taxes, I see a different problem for our Native Hawaiian people, and that is immediate housing—not only through Native Homestead Lands, but rentals. Many of them are being displaced. And it is very, very easy to become homeless. Lose your job, and you do not have money to pay for your house, or be able to meet mortgages. You can easily be displaced within the rubble that we call homeless people. But they are our people.

I speak personally because I have family who are living on Maili land that I cannot have them come to live with me because of my own financial responsibility as a mother of five sons and a husband who, because he lost his job since 1983, has been unable to find adequate employment here.

When you've made $10 an hour and you're both working making $35,000 a year—and this is in 1983—you can afford to live and to make a living for yourself. But once you lose that employment your whole family stands with the homeless, and it is very easy. Because now to qualify to even rent a house you have to have first and last month's mortgage and a security deposit. And if you can come up with $2,100—and that's just basic—you can have yourself a house.

The injustices here with the Department of Hawaiian Homes Lands and the past injustices for all our people of Hawaiian ancestry are numerous. But, again, we stand before you not as beggars but as human beings to find a solution.

[Hawaiian word]. Ua mau ke ea o ka aina i ka pono. Truly, if the life of the land is perpetuated in righteousness, then we have to seek for righteousness and justice for the indigenous people of Hawaii. Many of us are over-represented in the prisons. Many of us are illiterate. And many of us go through the vicious cycle of graduating illiterate children into this society and we expect them to function.

Education for my husband and I—and he is haole, by the way, from California, so my blood quantum is less than 50 percent for my children. [Laughter.]

When we came back in 1976—and he is a native of California—he told me that Nanakuli was a good place to oppress people and keep them in service jobs. And let me tell you, when he said that it hurt me a lot and it made me very angry.

But, again, we stand here not as beggars but as humans, and hoping for justice to be done and that the life of the people, the Hawaiian who, themselves, in their philosophy or in their history did not own the land—they believed God owned it. Therefore, there was no written paper to show who owned what and where. But today that is the white man's way of having to designate lands and ownership of those lands.

But in justice I plead to you, Senator, for peaceful resolution, unity and love for the Aina and its people of Hawaii.

Thank you.

[Applause.]

The CHAIRMAN. Thank you very much, Mrs. Lucero. I believe I speak for all the members of the panel in assuring you that we have not looked upon and we do not look upon those who have testified as beggars, but proud, Native Hawaiians who are seeking simple justice.

[Applause.]

[Prepared statement of Ms. Lucero appears in appendix.]

Mr. KANAHELE. Thank you, Senator. Our next two speakers will be Marlene Kahoonei and [Hawaiian word].

STATEMENT OF MARLENE KAHOONEI, NANAKULI HAWAIIAN HOMESTEAD COMMUNITY ASSOCIATION

Ms. KAHOONEI. Aloha, Senator Inouye and honorable committee members.

The CHAIRMAN. Aloha.

Mr. KANAHELE. My name is Marlene Kahoonei, and I reside at 891116 Nanakuli Avenue, which is a residential lot, lot number 68, which was built during the Department of Hawaiian Homes Lands Nanakuli Series Three. It was a package deal development.

Despite the beauty of our home and a $25,000 low interest home loan that we received, during the first four years of living in our new home we found many defects in the building workmanship. These defects included: cracks in the walls, possibly due to the shifting of the foundation; leaking sink basin due to the lack of putty or sealants under the bathroom and kitchen faucets; electrical outlets that were of no use at all—they were probably not even wired up—all of which were not noted until their one- or two-year warranties were up.

But of all these defects, the most inconceivable fallacy was the covering of our roof which was revealed by Hurricane Eva's strong winds. My neighbors can testify to the fact that we've always been up there trying to pound it as soon as Nanakuli winds picked up again.

After the wrath of the hurricane my husband and I looked up at the damages that were done to our roof. It was minimal. But, to our astonishment, we found that there was no black roofing paper underneath the shingles of our roof. All there was to be seen was ply-white board. And after a third inspection, it was apparent that the roofers had neglected to lay down much needed paper under a large majority of our roof.

The top portion, the peak of the roof, and the bottom section of the roof had no black paper on it, which mean that when the winds blew the shingles, the rain would just soak up into the plywood.

So I immediately called DHHL and placed a complaint with Mr. David Kavelo, who was working in the department at that time. I also went to see him that following week to find out what would be done about this fallacy. Because the roof had a 5-year warranty on it and it had not yet expired, I felt that it could be fixed and corrected under their contractual warranty. But, to my dismay, it couldn't be.

Mr. Kavelo expressed his concern in the matter, but noted that the roofers who had been contracted to do the work, which was Joseph's Roofing Maintenance of 85360C Kaulawaha Road in Makaha——

[Laughter.]

Had since claimed bankruptcy and were in court proceedings with DHHL.

He had stated—Mr. Kavelo—that nothing could be done until after the court trial, which would take approximately three years, he said. I was appalled by the fact that my roof was not going to get fixed at all.

It was estimated by another roofing company that it would cost us approximately $4,000 to redo the roof.

On several windy and stormy occasions our shingles had to be plastered and nailed down because of the poor workmanship.

It was in January 1986, approximately 3 years after the hurricane, that another heavy storm hit Nanakuli Valley, and again our roof needed to be repaired.

After having done so, I called Mr. Kavelo at DHHL hoping for good news, but there was none. First of all, Mr. Kavelo was no longer with DHHL—[Laughter.]

Because of the change over. And, second, the person that took his place—I didn't even get his name—had no knowledge or record of my complaint, nor any knowledge of a court trial involving DHHL and the roofers, Joseph Maintenance.

Furthermore, after having taken my name and phone number, he said he would call me back on this matter, but he never did.

This has made us very angry at the DHHL for neglecting to help us to correct what we feel should have been corrected.

Since this ordeal, we have not fixed our roof yet and we have also found out that the roofers, now working under a new name, have re-opened their company.

Thank you very much.

[Applause.]

The CHAIRMAN. I thank you very much. What can I say? [Laughter.]

Mrs. Kanahele, may I interrupt?

Mr. KANAHELE. Of course.

The CHAIRMAN. I have just been advised by Congressman Faleomavaega that he has to catch a flight to return to American Samoa, and that he would like to say a few words before he leaves us.

[Applause.]

Mr. FALEOMAVAEGA. Mr. Chairman, it is with great reluctance that I have to do this, but I just wanted to share a couple of thoughts with the member of our Hawaiian community.

I had raised a couple of observations in some of the areas that we have covered in the course of the hearing. But I think one area that the Hawaiian community needs to understand, is that it is very difficult for the Congress to see, 5,000 miles way, the needs of our Native Hawaiian cousins. But I also know, Mr. Chairman, that this has been a trial and tribulation for you for the last 15 years it has taken you to educate the Congress about the needs of Native Hawaiians and how that is closely associated with the needs of Native Americans.

I am also aware of the fact that all these years it is not that you wanted to make Native Hawaiians Native Americans. The fact of the matter is that history records the course of all that has evolved and happened in the needs of our Native Hawaiian cousins. It is only to try to provide those programs to provide for the needs of the social and economic needs of our Hawaiian community. I'm certain of that.

And I thought that our Hawaiian community needs to understand that.

I know this from personal experience, having served previously as a staff counsel to the late Congressman Phil Burton, who I know, Mr. Chairman, you were very instrumental in working closely with him providing the Hawaiian Studies Commission. And we also know that that got to be a very controversial issue.

The fact remains that we have a data record base to go by. The fact is that Congress has given recognition of some of these needs and on these issues. And I just want to share that with my Hawaiian cousins.

It is not an easy road, but I think it is a road that can be accomplished if we all pull together.

I have a personal interest in this, Mr. Chairman, and I do so because I have said kiddingly several times to my senior colleague, Congressman Akaka, that we organize a Polynesian caucus.

[Laughter and applause.]

Mr. FALEOMAVAEGA. But I think also the greater need has been advocated in many instances about organizing a Pacific caucus.

I know that as a member of the Foreign Affairs Committee—and my good friend Ben Blaz and I sit together there—not realizing that the whole mentality of Congress is basically directed toward Europe and the Middle East. And I don't think we ought to fault the Congress for that. This is just a fact of history that we have to contend with. But not that we should begin just sitting idly by and let things happen. We have to be movers. We have to be action oriented in our ways to resolve some of these problems.

It is ironic, Mr. Chairman, that the year 1992 will mark the 500th year since the arrival of Columbus. And I say to my Hawaiian cousins, yes, you're running out of patience. But let's look at our Native American cousins. It has been 500 years, and what have we, as a nation, to stand for to provide the needs of Native Americans?

So I'm asking my Hawaiian cousins: we need patience. We need that very much.

And I want to express my appreciation to you, Mr. Chairman, for taking the initiative to unravel all of this. Since 69 years have passed, this is the first time that a Congressional committee has seen fit to hold hearings airing the problems. Only then will we be able to find possible solutions.

I happen to agree with the opinion that you have rendered, Mr. Chairman. Congress has to be involved because itself has a responsibility to the needs of Native Hawaiians. They are the ones that made the mistakes, and I think it is also only appropriate that the Congress should also correct these mistakes since 1921.

[Applause.]

Mr. FALEOMAVAEGA. Mr. Chairman and Congressman Blaz, again, I wish I could stay with you for a couple of days. But I do want to make it as part of the record that it is my intention to report these matters fully to Congressman Udall, Chairman Udall of the House Interior Committee, and my distinguished friend Ben Blaz also serves as a member of the House Interior Committee. I know that we will work closely together.

Yes; we have talked about the sins of the past, about what has happended, but let me give you this sense of commitment and assurance to our Hawaiian communities. It is not a very easy task just to pinpoint one particular sector of America's society and to give them this special appreciation and needs as they are met by the Congress. I want you to have that sense of appreciation. It has not been very easy for the Hawaii delegation to present these issues to the other members.

And because of the diversity—and I'm talking about 250 million Americans represented by 435 representatives and the 5 territorial delegates, it is not an easy task. But, at the same time, Mr. Chairman, I want to pay that special tribute to you for bringing this opportunity to see that our Hawaiian communities at least will appreciate that this has not been an easy task in 15 years in educating the Congress, letting them know what it means to be a Native Hawaiian. I want them to know that.

Thank you very much.

[Applause.]

The CHAIRMAN. Aloha.

Mr. KANAHELE. My brothers and sisters in the audience, Congressman Eni Faleomavaega, every time I see him—and have worked with him for many years and graduated from Church College in Laie together—this Congressman I have reminded him that he's more Hawaiian than Samoan.

[Applause.]

Mr. KANAHELE. I am sorry I was not in the room when a point of mis-communication occurred, Senator. The representative from the Papakolea Homestead would like to come and clarify something, if you don't mind.

Mr. FREITAS. Thank you, Kamaki.

Senator, I asked Kamaki to let me come back up here to clarify a statement that you made and I did not respond to it because I was concentrating on the reason why we were waiting for a formal response.

After I left I went outside and realized by not responding I had made Kamaki look bad as the leader of our State Council. [Laughter.]

So I went to him and I apologized and I asked him when Nanakuli would come up for him to explain. And when he came up he didn't say anything so I wrote this little note for him. I wanted him to either explain it or call me up.

Kamaki did transmit all of your correspondences to us. We at Papakolea were expecting a direct response from you based on all the misunderstanding of Pat Zell's statement in the staff meeting that we will get a formal response, and that's what it is.

I just wanted to clear the air. Kamaki is doing a great job for us. Thank you. [Applause.]

Mr. KANAHELE. I plan on giving her a very great Christmas present after that. [Laughter.]

It gives me great pleasure to introduce this last gentleman to you. He sits as a member of my board of Nanakuli Hawaiian Community Association and we are very proud of him. This is Kimo Kelii.

[Applause.]

STATEMENT OF KIMO WAIALAE KELII, NANAKULI HAWAIIAN HOMESTEAD COMMUNITY ASSOCIATION

Mr. KELII. Senator Inouye and Select Committee on Indian Affairs, alaha ke akua.

My name is Kimo Waialae Kelii, and I am presently a resident of the Nanakuli Hawaiian Homestead Community.

Although my mother is the lessee of the land, I still made it my business to actively participate in the direction and the future of

Hawaiian homelands, especially since I am one of the approximately 18,000 on the Department of Hawaiian Homes Lands waiting list.

My involvement has come in the position of being elected to the board of directors for the Nanakuli Hawaiian Homestead Community Association. Being the youngest member of the association, I have found it a great privilege to participate in the decision-making process of the growth and development for Nanakuli. Also, becoming involved gave me a better understanding of why it has been so long for my generation to receives our entitlements.

Realizing that the State of Hawaii in the form of DHHL has been very neglectful in the management and maintenance of our lands, I, along with many other people, were responsible for the creation of the new State Council of Hawaiian Homestead Associations, which I was elected as recording secretary for the executive board. This State Council presently has 23 homestead associations as members, which Senator, by the way, represents the majority of Native Hawaiians in the State of Hawaii.

Senator, honorable guests, and committee members, I challenge you all with the task of taking a more active role in monitoring as well as fulfilling your trust obligations to us Opio's as natives of this land called Hawaii. The Native American Indian young people, as well as the Native Alaskan young people have a better sense of direction and future mainly because you have given them the right to govern themselves with the responsibility of managing their own lands. Then why have we, Native Hawaiian young people, been treated like second-class citizens to the same inheritance that the other natives under the United States of America's Government have received?

Senator, please consider my generation in the decision that you will determine whether or not the State has been negligent in their management of our lands and assets. There are many Native Hawaiian young people just like myself who are motivated and dedicated to creating a foundation for our future generations, which is our keiki's.

However, this foundation appears to be false hope for us primarily because many of our makua's have never received their entitlement to a homestead land.

With the present DHHL system operating under the same foot dragginf mode, many of us young people have no choice but to seek homes in the high unaffordable market place. Consequently, the recent improvements in DHHL have been just another camouflage for us to feed this false hope of maybe receiving our land one day.

Please don't get me wrong. I am not here to criticize only DHHL. I am here to also criticize the Office of Hawaiian Affairs. [Laughter.]

Whose reckless attempt to break the blood quantum of the Native Hawaiian failed. But they're still trying again. They're coming back for another attempt, claiming that this move would benefit all Hawaiians. I find it extremely hard to believe, especially since they cannot even take care of us 50 percenters.

[Applause.]

Mr. KELII. Senator, considering that the State was the only available entity at the time to be responsible for the trust, well, today, right now, there are many other qualified entities that would probably do a far more better and efficient job of managing our trust such as the State Council of Hawaiian Homestead Associations or Ka Lahui Hawaii. Whoever it will be, Senator, we have qualified entities.

In conclusion, I hope to see the Federal Government carry more oversight hearings to follow up on their own negligence. Also, I pray to Ke Akua that this particular hearing is not just for show, but that the trust obligations begin to manifest itself in the placement of Native Hawaiians on Hawaiian homestead lands, as well as provisions made for the Native Hawaiians to self govern themselves.

Thank you very much.

[Applause.]

The Chairman. Mr. Kelii, I would like to say that it pleases this committee very much to see the young Native Hawaiians participating in this hearing. May I assure you that this is not a show.

[Applause.]

[Prepared statement of Mr. Kelii appears in appendix.]

Mr. Kanahele. Senator, this completes the Nanakuli Hawaiian Homestead Community Association's presentation, and also completes the Homestead Associations from the Island of Oahu.

We do appreciate it, and we hope and wish you well as you and the committee travel throughout our beautiful islands.

Aloha.

[Applause.]

The Chairman. This has been a long day, but it has been a good day. The testimony we have received has been presented to us in a very professonial manner, responsibly and with great merit. If this is an indication of how the hearings on the next 4 days will continue, I think this speaks well for the Native Hawaiian population.

[Applause.]

The Chairman. I have just been advised that we have received the testimony of Mr. George Terry Young, and, without objection, that testimony will be made part of the record.

[Prepared statement of Mr. Young appears in appendix.]

The Chairman. May I just once again remind all of you that if you have any addenda you wish to make or to make your own statements, please submit them to my committee on or before September 15. And may I assure you that it will be made part of the record.

Once again I thank all of you for your patience. I realize that this has been a difficult day, and the next 4 days will be difficult, because for many of you, you are here to share with us your sense of anger and your sense of frustration and tell us of the promises that have not been kept. Others would have vented their anger with violence; you have done so with great eloquence. For that we are most grateful. Thank you very much.

[Applause.]

The Chairman. Because of the importance of these hearings, I think it is well for all of us to know that every moment has been televised. It will be shown not only in Hawaii, but on cable television throughout the United States. So your words will be heard by your brothers and sisters on the mainland.

[Applause.]

The CHAIRMAN. I would like to thank and acknowledge the great help of Oceanic Cable and the community volunteers who did the recording of today's hearings. I think all of you join me, because now Hawaii is known elsewhere.

[Applause.]

The CHAIRMAN. We were fortunate to have—and I have been assured that he will be with me until Friday evening—Delegate Ben Blaz of Guam. Do you have any closing remarks?

Mr. BLAZ. No; I do not. [Laughter.]

The CHAIRMAN. Ladies and gentlemen, once again, aloha. You have been heard. Thank you.

[Whereupon, at 7:33 p.m., the hearing was adjourned, to reconvene on Tuesday, August 8, 1989, at Lihue, Kauai, Hawaii.]

APPENDIX

ADDITIONAL MATERIAL SUBMITTED FOR THE RECORD

STATEMENT OF U. S. SENATOR SPARK MATSUNAGA OF HAWAII BEFORE THE SENATE SELECT COMMITTEE ON INDIAN AFFAIRS AND THE HOUSE COMMITTEE ON INTERIOR AND INSULAR AFFAIRS ON THE HAWAIIAN HOMES COMMISSION ACT OF 1920

Honolulu, Hawaii
Monday, August 7, 1989

MR. MATSUNAGA. Mr. Chairman, first of all, I want to commend you for your effort to schedule these comprehensive hearings on the Hawaiian Homes Commission Act of 1920, and on your effort to accommodate a very broad range of witnesses. It is significant to note that these are the first such hearings conducted by Congress even though the federal government retains oversight authority under the Hawaiian Homes Commission Act. The needs of the Hawaiian people, as expressed in the 1920 Act, have been too long ignored and I join you in the fervent hope that these hearings will result in a revitalized partnership between the Federal Government and the Native Hawaiian people.

The original Hawaiian Homes Commission Act was envisioned by its author, Prince Jonah Kuhio Kalanianaole, as a means of restoring to Native Hawaiians a measure of the sovereignty which they had lost as a result of the overthrow of the monarchy. The idea was sold to Congress as a means of "rehabilitating" Native Hawaiians by providing them with land for farming and ranching. The overall tone of the debate was paternalistic, and it seems clear that Congress was concerned about protecting Hawaiians from themselves, if not from other competing interests. For example, lessees were prohibited from selling their property and the federal government was given the right to approve land exchanges and major amendments to the Act. From the perspective of 1989, it is amazing to note that with the exception of Prince Kuhio, Native Hawaiians themselves did not play a major role in the congressional consideration of the Hawaiian Homes Commission Act. Congress did, however, bow to other major landowners in the Territory, by excluding some types of land from inclusion in the homestead package and limiting eligibility for homestead leases to Hawaiians of more than one-half native blood. In the end, roughly 200,000 acres were made available -- not even enough for the number of eligible beneficiaries in 1920. Moreover, having passed the Act, Congress forgot to provide funds for the development of water resources, roads, sewers and other needed improvements. What began as an idealistic vision and well-intentioned gesture, must often seem to Homesteaders and Commissioners alike to be a cruel joke.

It goes without saying that much has changed since 1920. For one thing, Hawaii is a state now, with a governor elected by the people, not appointed by the President of the United States, and with a congressional delegation exercising equal rights and privileges as that of any other state. Agriculture, the mainstay of the territorial economy, has been overtaken and surpassed by tourism, other smaller industries have been established, and federal expenditures in the Island State have steadily increased. The population of Hawaii has increased to over one million, with most of the growth occurring in the 30 years since statehood. Native Hawaiians have benefitted from many of these changes, and been injured by others. Once thought to be a dying race, Hawaiians are now 20 percent of Hawaii's population and have experienced a cultural renaissance in the last 20 years. The enactment of special initiatives to improve the educational and health status of Hawaiians and the establishment by amendment to the State Constitution of an Office of Hawaiian Affairs are other major landmarks signalling a change in the status of the Hawaiian people. Significantly, Hawaiians today are frequent visitors to the Nation's Capital, often appearing as witnesses before committees of the U. S. Senate and House of Representatives.

While substantial progress has been made in areas affecting the welfare of Native Hawaiians, I believe that oversight and perhaps overhaul of the Hawaiian Homes Commission Act is an issue whose time has come. Given adequate resources, the Hawaiian Homes Commission could be a truly powerful housing and land development agency run by Hawaiians for Hawaiians. In the future, perhaps it could have the right to purchase land suitable for housing at discounted prices. It could build and operate congregate housing facilities for elderly Hawaiians. Since most Hawaiians are urban residents and have not "returned to the land" as originally envisioned, the Hawaiian Homes Commission of the future could acquire land in urban areas and build garden apartments or townhouses as well as the traditional single family homes suitable for larger families. While I believe that the Commission's emphasis must be on providing low-cost housing for needy Hawaiians in the near future, I do not think it should be totally restricted with respect to the kind of projects it undertakes, for it would not be a public housing agency in the usual sense, but one designed to serve all eligible Hawaiians, whatever their background and income.

In closing, Mr. Chairman, I would advocate that our first task should be to find and allocate adequate resources -- both land and money -- for the Hawaiian Homes Commission and to promote the development of imaginative and innovative solutions to the housing needs of Native Hawaiians.

I appreciate this opportunity to share my views with the Committee, and I am looking forward to working with you in the future to make some of these possibilities a reality.

# # #

TESTIMONY OF JOHN WAIHEE
GOVERNOR
STATE OF HAWAII

August 7, 1989

Mr. Chairman and Members of the Committees:

As the first elected Hawaiian Governor, I offer the traditional greetings of our people -- Aloha!

Your presence in Hawaii is an historic occasion. It marks the first time that Congress will have reviewed the progress of the Hawaiian Homes Commission Act of 1920 since its inception. Appropriately, these hearings are being held in the 30th year of Hawaii's statehood.

In one sense, these hearings should have been held 31 years ago, before the compact of statehood, before the people of Hawaii accepted the responsibilities of the Act. The federal government did not provide the best lands, nor the adequate resources for the development of those lands. If Congress had held these hearings 31 years ago, and had truly provided the necessary tools to "rehabilitate" the Hawaiian race, then the Hawaiian Home Lands' story might be a very different one.

Over the next five days, you will hear many different stories: successes and failures, cooperation and contention. For the most part, the stories will be a litany of the past. The past is important for us. It establishes a record. The past teaches us lessons -- good lessons, painful lessons. But if we dwell in the past, then nothing will be achieved for our people.

Therefore, the focus of the State will be on today and the future. We will talk about the situations and the progress we are making today, but the emphasis will be on our plans and hopes for the future.

At the Committees' request, we will be talking not only about Hawaiian Home Lands, but also of other issues and programs that impact Hawaiians. It is appropriate for us to recognize that the Hawaiian Home Lands program does not, and cannot be the sole provider of services to the Hawaiian people.

Twenty-one percent of this state's resident population is Hawaiian. There are over 200,000 Hawaiian people, from all walks of life, every socio-economic group, living in every community across the state, in rural communities and in our urban center. We recognize the diversity of needs, wants and desires. At the same time, we recognize the disproportionate share of problems carried by the Hawaiian people -- the negative statistics, the problems of health, dependency, perceived lack of choices, underachievement in education, desires for better jobs and affordable housing.

To serve these needs, the State offers a wide variety of programs. Two of these -- Hawaiian Home Lands and the Office of Hawaiian Affairs -- are solely dedicated to serving Hawaiians. Others are provided for all of the people of Hawaii. However, many of these so called general purpose programs disproportionately service Hawaiians. Therefore, any improvements made to these programs disproportionately -- and appropriately -- benefit Hawaiians.

For example, since there are proportionately more Hawaiians lacking adequate health insurance than any other ethnic group, the implementation of our statewide universal health care insurance program will benefit especially Hawaiians.

Hawaiians depend on public education. The extent to which we are successful in our education reform efforts, is the extent to which we will benefit Hawaiians, as well as every other student in our public school system. And if the federal government and the State are truly committed to the goal of individual and family self-sufficiency, then welfare reform will benefit Hawaiians.

Indeed, a conservative estimate prepared by the State's Department of Budget and Finance indicates that for fiscal year 1990, the State will spend $285 million for Hawaiians.

The State cannot be alone in our efforts to provide both general purpose and targeted programs for Hawaiians and all of our citizens. State directors and other witnesses will identify a number of areas in which new federal dollars will make significant differences, especially if they are combined with existing State and private initiatives.

However, we must remember that cuts and limitations on existing programs fundamentally and drastically reduce any of the gains that can be made with new programs. Cuts in federal spending on social service and health programs, cuts in housing programs, cuts in community development block grants, cuts in job training monies, cuts in student loans impact all of our citizens, but have especially negative impacts on Hawaiians.

It is important for all to consider how all of these programs fit together to achieve real change and real progress.

Real changes and real progress are goals that we have struggled with constantly. Our State Constitution is an example of how Hawaiian values and needs are tightly woven into the fabric of our daily existence. We begin, of course, with our preamble: "Mindful of our Hawaiian heritage and uniqueness as an island state." But we do not end there. The essence of our constitutional statement on public safety is the Law of the Splintered Paddle, that teaches "Let every elderly person, woman and child lie by the roadside in safety." We mandate the study of Hawaiian culture, history and language.

We reaffirm "all rights, customarily and traditionally exercised for subsistence, cultural and religious purposes." In all likelihood, we are the only state in the nation that has recognized the native language as one of the two official languages of our state. All of this in addition to the Hawaiian Homes Commission Act, and the establishment of the Office of Hawaiian Affairs.

Mr. Chairman, as I have indicated to you on a number of occasions, it is the State's intent to cooperate fully with these hearings. Our cooperation is a measure of our belief that these hearings have the potential of being mutually beneficial, that we will find new ways -- legislative and programmatic -- to address age-old problems.

There has rarely been any partnership between the federal government and the states in addressing the needs of native peoples. It is my belief that because of our history and our geography, it not only possible, but imperative that we develop a strong federal/state partnership.

I must also confess a personal interest in these hearings. Thirty-five years ago, my father placed his name on a waiting list for Hawaiian Home Lands. He died on that waiting list. All of us need to work towards that day when there are no lists.

* * * * *

Mr. Chairman, at this time I would like to call upon Kengo Takata, Deputy Director of the Department of Education, Dr. Albert Simone, President of the University of Hawaii, Winona Rubin, Director of the Department of Human Services, and Dr. Jack Lewin, Director of the Department of Health to provide an update for this Committee on Education, Human Service and Health Programs that impact Hawaiians in our state.

JOHN WAIHEE
GOVERNOR

CHARLES T. TOGUCHI
SUPERINTENDENT

STATE OF HAWAII
DEPARTMENT OF EDUCATION
P. O. BOX 2360
HONOLULU, HAWAII 96804

OFFICE OF THE SUPERINTENDENT

OVERSIGHT HEARINGS ON THE HAWAIIAN HOMELANDS COMMISSION ACT OF 1920 BEFORE THE U.S. SENATE SELECT COMMITTEE ON INDIAN AFFAIRS AND THE U.S. HOUSE COMMITTEE ON INTERIOR AND INSULAR AFFAIRS

TESTIMONY OF CHARLES T. TOGUCHI
SUPERINTENDENT OF EDUCATION
August 7, 1989

Mr. Chairman and Members of the Committees

The Hawaii Department of Education is a statewide system serving 167,195 students in special education pre-kindergarten through grade 12. Of this number, 37,681 (22.5%) students are of Hawaiian ancestry. The State of Hawaii, through Legislative funding for the Department of Education, has created several programs during the 1980s focusing on various aspects of Hawaiian culture for all students in the public school system but providing special cultural benefits for Hawaiian children. Other programs have been initiated in conjunction with the Kamehameha Schools/Bishop Estate [KSBE] and Alu Like, Inc., as a result of the assessment of academic or socialization needs of Hawaiian students.

AN AFFIRMATIVE ACTION AND EQUAL OPPORTUNITY EMPLOYER

Among these programs are: Hawaiian Studies, Hawaiian Language Immersion, Special Needs Schools, the Hana Kupono project focusing on the 7th and 8th grade students, the Kamehameha Early Education Program [KEEP], Kamehameha Schools/Bishop Estate-funded summer schools on public school campuses for Hawaiians, and other student services carried out in collaboration with community organizations/agencies including Kamehameha Schools/Bishop Estate.

The two principal programs funded by the State are the Hawaiian Studies program, now in its tenth year of implementation, and the Hawaiian Language Immersion program, which begins its third year in September, 1989. The Hawaiian Studies program is currently funded at $2.5 million and provides the services of *kupuna* (elders) and other community resource persons in all elementary schools throughout the State from Kindergarten to grade 6. The Hawaiian Studies Program was developed in response to the mandate of the State Constitution to promote the study of Hawaiian culture, history and language in the public schools. The program will provide services to approximately 93,556 students in 3,770 elementary classes in 1989-90.

The Hawaiian Language Immersion program is a limited program established to provide children with prior experience/instruction in the Hawaiian language with an opportunity to engage in formal learning of the basic curriculum in a totally Hawaiian language context in early primary grades.

The program is currently funded at the level of $223,678 with classes at one school site each in four districts on the four largest islands. The smaller scope of the Hawaiian Language Immersion program will accommodate approximately 160 students in grades K-3 in the coming school year. In the on-going state language program for grades 7-12, there are approximately 900 students enrolled in elective Hawaiian language courses.

The Special Needs Schools program will start in the 1989-90 school year as an outgrowth of one of Governor Waihee's initiatives recognizing that special needs exist in schools characterized by high percentages of at-risk students and those who are chronic low achievers. In the past, such schools have been expected to produce the same results as any other schools without necessarily taking into account certain academic and socio-economic factors that affect school achievement. The Special Needs Schools program recognizes that for these schools to attain the expectations within the same time period as other schools, special effort, resources, and services may be needed.

Ten schools on the Leeward Oahu coast in the Nanakuli and Waianae school complexes will be the first to receive additional resources and services under this new program. The vast majority of students who will benefit from this program will be Hawaiian children in grades K-12. As school complexes begin implementation of the program, they will be assisted in the first semester to assess their improvement needs and they will then receive needed resources, assistance, and other support over the following seven semesters for a total of four years involvement in the program. The holistic perspective of giving attention to the development of the whole child will be emphasized as the improvement approach of this program. Creative solution alternatives which may involve culturally-based models and approaches will be important aspects of the program.

From a study conducted in 1985, the Department identified critical educational needs at the intermediate grades (grades 7 and 8), particularly among Hawaiian students. Efforts have been underway for the last three years to address these needs in the Hana Kupono project which uses culturally-based models and approaches in improving education for that group of students going through a traditionally difficult transition period in their lives. Federal funds, through Alu Like, Inc., have been used to provide additional resources to twenty-five selected intermediate school classes involving 758 students throughout the State to reinforce and expand on basic skills development through learning experiences in thinking and research; to build on the Hawaiian cultural practice of cooperation and collaboration by organizing learning opportunities using the Cooperative Learning Approach; and, to provide support to the class environment through personnel resources from the community college system of the University of Hawaii, especially using role models of Hawaiian college students as project aides working with the younger students. During the last school year, the intermediate school students "worked well together" in the Hana Kupono project and the results of their research, excursion reports, and stimulating classroom activities will be published in the fall in a number of volumes.

Cooperative efforts with the Kamehameha Schools/Bishop Estate have spanned many years. Among these efforts have been Kamehameha Schools/Bishop Estate's provision of supplemental support for intermediate level counseling and alternative schooling opportunities for public school students of Hawaiian ancestry. In addition, two major initiatives have been the Kamehameha Early Education Program [KEEP] and the cooperative summer program.

KEEP, a language arts program, was established in 1971 to improve the language performance of students of Hawaiian ancestry. Currently, the program is cooperatively implemented in eight (8) elementary public schools. At each site, curriculum materials, equipment, and a team of trained staff members including site manager, consultants, and trainer assistants are provided.

Since 1983, the Kamehameha Schools/Bishop Estate has been assisting the Department of Education in the development of summer educational programs. The purposes are (1) to assist students in increasing their educational achievement in basic skills; (2) to increase student awareness of Hawaiian history and culture; (3) to reinforce and enrich knowledge gained by students during the regular school year; and (4) to prepare students for entry into the next level of learning. At sixteen (16) sites this summer, Kamehameha Schools/Bishop Estate provided funding for special staff (coordinator, teachers, curriculum specialist, *kupuna*, student aides and clerk). Other support provided for students at these sites includes financial assistance to students meeting the criteria of need, bus transportation, and snacks.

The Hawaii Department of Education, as the statewide public institution of lower education, continues to be sensitive to and concerned about the educational advancement of our Hawaiian students. Where the needs and interests of this target group are similar to those of other students, we have implemented programs of benefit to all students. Examples are the Hawaiian Studies Program and the Hawaiian Language Immersion Project. However, where the needs appear unique to the target group we have had to seek support from external, categorical sources. Since the late 1970's when Hawaiian Homelands educational funds no longer became available to the Department of Education, we have been relying on sources such as the Kamehameha Schools/Bishop Estate, Alu Like, Inc., and a number of local eleemosynary organizations. While this arrangement will continue in order to take full advantage of the expertise, interest and resources of these groups, there are major areas that could benefit from direct federal assistance. With additional federal assistance to the Hawaii Department of Education as the administering agency, statewide programs to benefit the Hawaiian students in particular would be possible, including additional basic skills reinforcement, cultural counseling, early career planning and orientation to occupations/professions with inadequate Hawaiian representation.

We have sought to share with you some of the major educational activities being undertaken by our public schools which have made significant impact on Hawaiian children. However, we also seek to leave with you the understanding that much more remains to be done by lower education to contribute to their future. Toward this end, we ask that you consider additional federal assistance and support specifically targeted for Hawaiian children. As we continue to seek to meet the needs of Hawaiian children in our schools, there is one key aspect of our statewide system that makes it different from other state educational agencies. That is, we are constitutionally required to develop understanding and appreciation of the fundamental values, concepts, practices, history and language of the Hawaiian culture among all children. In meeting this charge, we have found special needs among Hawaiian children that require attention if they are to benefit from the application of their own culture within a broader society. Your support of our efforts to meet these needs will be greatly appreciated.

UNIVERSITY OF HAWAII

PRESIDENT

OVERSIGHT HEARINGS ON THE HAWAIIAN HOMES COMMISSION ACT OF 1920 BEFORE THE U.S. SENATE SELECT COMMITTEE ON INDIAN AFFAIRS AND THE U.S. HOUSE COMMITTEE ON INTERIOR AND INSULAR AFFAIRS

Albert J. Simone
President
University of Hawai'i
August 7, 1989

Mr. Chairman and Members of the Committees thank you for the opportunity to provide testimony on the University of Hawai'i (UH) and our programs, particularly those that address the special interests and needs of Hawaiian students and the Hawaiian community.

INTRODUCTION

The university is a multi-campus system. The Manoa campus (UHM) on the island of O'ahu is the major comprehensive research campus, with more than 18,000 students and offers course work leading to bachelor's degrees in 88 fields of study, master's in 84, doctorates in 49, first professional degrees in law and medicine, and a number of certificates. An additional baccalaureate college serving 600 students is located on West O'ahu. Six community colleges on the islands of O'ahu, Kauai, and Maui are organized as a subunit with a total enrollment of 20,000 students. The Community Colleges offer numerous certificates and two-year programs in liberal studies and vocational education. On the island of Hawai'i is a four-year college and a community college with a combined enrollment of 3,600 students.

2444 DOLE STREET • BACHMAN HALL • HONOLULU, HAWAII 96822
AN EQUAL OPPORTUNITY EMPLOYER

The University of Hawai'i is the only public institution of higher education in the State. This means the University has the responsibility to provide residents access to higher education and to address State concerns where appropriate. A commitment by the University of Hawai'i to excellence in Hawaiian Studies and access to higher education for Hawaiians are integral parts of its mission in the areas of teaching, research, and service. That commitment is implicit in the Strategic Plan of the University which seeks to:

> "emphasize the fundamental importance of students and to ensure their success from entry through graduation;"
>
> "reaffirm existing Equal Opportunity and Affirmative Action policies for students and employees;"
>
> "take advantage of those programs which have achieved or have potential to achieve national or international prominence;"
>
> "stress areas in which Hawai'i has a natural advantage due to its geography, its environment, its location, and its unique blend of cultures;" and
>
> "strengthen its position as one of the leading research institutions in the nation and Asian and Pacific basin."

The language of the Constitution of the State of Hawai'i reinforces this commitment, for it provides that:

> "The State shall promote the study of Hawaiian culture and language."

UH RESPONSE TO THE HAWAIIAN COMMUNITY

In 1986 the University reaffirmed its special obligation to Hawaiians by appointing Hawaiian faculty and staff representing each of the nine campuses to a system-wide task force to assess the University's current offerings for Hawaiian students, to identify problems in those areas, and to recommend possible solutions to those problems. The task force report, Ka'u, addressed problems related to student recruitment and retention, curriculum and instruction, research, faculty development, community outreach and facilities. The task force stated that as the sole public institution of higher education in the state of Hawai'i the University bears a:

> "...major responsibility for the perpetuation of Hawaiian culture and language through research, instruction, and community service. Hawai'i is the home base for Hawaiian Studies This fact alone establishes why Hawaiian Studies makes the University of Hawai'i unique among all other universities and colleges of the world."

A critical area of concern highlighted by the UH Hawaiian Studies Task Force is the severe underrepresentation and poor graduation rates of Hawaiian students. At the overall University system level, Hawaiians (9%) are substantially underrepresented in comparison to their proportion of the state population (21%), the proportion of the population fifteen to twenty-four years old (23%) or the proportion of public school students (20%).

Some improvements have occurred. For example, since 1977, Hawaiian enrollment in the University system has increased from 1,551 (4%) to 3,894 (9%). At the University of Hawai'i at Hilo

(UHH), Hawaiians have their greatest proportional representation (18%).

However, much more remains to be done. Hawaiians have their lowest representation at UHM (5%), the flagship campus of the system. Hawaiians are also not well represented in the six community colleges (11%). Very few Hawaiians transfer from the community colleges to the Manoa campus. A recent University of Hawai'i study shows that Hawaiians have higher attrition rates, proportionally greater academic difficulty (probation, suspensions, dismissals), and lower cumulative grade point averages than other students at Manoa. The study found that Hawaiians (27%) had substantially lower graduation rates from Manoa than other students (49%) and that they generally require a longer period of matriculation (over five years) than other students.

State, Federal and private efforts are actively addressing this serious problem of underrepresentation of Hawaiians in higher education. I will touch on a number of these programs and I am glad to state that some progress is being made. However, it is clear that so much more needs to be done by the University, and that University efforts must be in partnership with lower education programs, community groups, and state and federal agencies.

Although there are many individual faculty and various schools that provide research, training and community service to Hawaiians and the Hawaiian community (e.g. in arts and sciences, agriculture, law, medicine, anthropology, general student support programs), the programs I will describe are more specific to Hawaiian concerns.

UH-MANOA

On the Mānoa campus, the centerpiece of our provision of services to Hawaiians is the Center for Hawaiian Studies. The mission of the UH-Mānoa Center for Hawaiian Studies, is:

> "To achieve and maintain excellence in the pursuit of knowledge concerning the Native people of Hawai'i, their origin, history, culture, language, literature, religion, arts and sciences; their interactions with their oceanic and insular environment and other peoples; and to reveal, disseminate and apply this knowledge for the betterment of all peoples."

Established as the Hawaiian Studies Program in 1970, the Center was made a part of the School of Hawaiian, Asian and Pacific Studies in 1987. It is a small but rapidly expanding program which offers courses to approximately 100-200 students per semester and awards a baccalaureate degree in Hawaiian Studies. The Center offers an interdisciplinary Hawaiian Studies program in which 23 students are currently declared majors. The program of study focuses on Hawaiian culture and historical-political changes from the Hawaiian point of view. Future goals for the program include the offering of graduate degrees. The Center is developing a comprehensive research program focusing on Hawaiian oral traditions, original translations and the development of curriculum materials for Hawaiian language instruction.

In order for the Center to achieve these goals it is necessary that construction of its proposed facilities complex on the Manoa campus be completed. State funds have been appropriated and Senator Inouye has been contacted to assist the University to obtain federal matching contributions for the Hawaiian Studies building complex.

A new student support program, Operation Kua'ana, provides recruitment and retention services for Hawaiian students at the Manoa campus. This state-funded program administers a community college transfer to Manoa project and a state tuition waiver program for Hawaiian students.

The Center is presently the recipient of a 3-year $150,000 federal grant from the U.S. Department of Education Fund for the Improvement of Post-Secondary Education. The objectives of "The Hawaiian Language Project" are to train Hawaiian language immersion teachers and to locate, develop and disseminate Hawaiian language curriculum materials. By assisting with efforts to alleviate the shortage of Hawaiian language immersion teachers, the University addresses its obligations to meet the teaching needs of the community, and to perpetuate Hawaiian culture and language. This project is an excellent example of collaboration between the federal government, the State Department of Education, a private agency--Punana Leo pre-schools--and the University.

In addition to programs in the Center, the Manoa campus has various affirmative action programs in its constituent units. An exemplary program funded federally since 1973 by the US Department of Health and Human Services Division of Disadvantaged Assistance is the Imi Ho'Ola program. The program is an intensive year in basic pre-medical science for students primarily from groups underrepresented in medicine and who are from disadvantaged backgrounds. A total of 23 Hawaiian Imi Ho'ola students have already graduated from the UH medical school. It is clear that 23 additional Hawaiian physicians would not have been graduated without the Imi Ho'ola program.

UH-HILO

On the UH-Hilo campus the Hawaiian Studies Program distinguishes itself through its strong emphasis on Hawaiian language. Indeed, the UH-Hilo Hawaiian Studies Department boasts of being the most developed program at any state university in the United States focusing on a specific indigenous language of the country and its performing arts and literature in the original language. Enrollments in Hawaiian at UH-Hilo have now exceeded those in Japanese, formerly the language with the largest enrollment on campus.

Currently, there more than 20 declared Hawaiian Studies majors at UH-Hilo with fall enrollment in department-taught courses of 320. Besides the major, the Department offers a minor and community service-oriented certificates in Hawaiian language and Hawaiian culture.

UH-Hilo has a tradition of commitment to Hawaiians, a Hawaiian Studies faculty committed to service to Hawaiian students and to the Hawaiian community, and the highest percentage of faculty of Hawaiian ancestry at any campus in the UH system. The representation of Hawaiians in the UH-H student body has increased from 8% in the mid 1970s to 18% in 1988, the highest proportional representations of Hawaiians on any campus in the UH system. A large part of this increase can be attributed to the culturally relevant Hawaiian Leadership student support program at Hilo.

The Hilo campus has been awarded a grant of $790,400 for fiscal year 1989 by the U.S. Department of Education for the purpose of a) establishing a Center for Gifted and Talented Native Hawaiian Children (K-12); and b) developing a series of demonstration projects designed to (1) address the special needs of native Hawaiian elementary and secondary school students who are gifted and talented, and (2) provide those support services to their families that are needed to enable such students to benefit from the projects. The program is authorized through the Augustus F. Hawkins-Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988. The gifted and talented project is one of five projects funded under this authorization whose purpose is to raise the education status of Hawaiians.

COMMUNITY COLLEGES

Offerings at the Community College campuses in Hawaiian Studies, Hawaiian Language and Special Student Services for Hawaiians vary widely, as does representation of Hawaiian students on those campuses. While some campuses have full-time Hawaiian Studies and/or Hawaiian Language faculty, others offer courses by lecturers only with no permanent faculty in Hawaiian-related fields.

One special program designed to benefit Hawaiians which is available on almost every community college campus is the Native Hawaiian Vocational Education Retention Project. Funded through a special set aside to the Carl Perkins Act, the retention project is designed to increase the enrollment, retention and completion rates of Hawaiian post-secondary vocational education students through a combination of data collection and analysis, research and student services programs. The Office of the Chancellor for Community Colleges receives approximately $500,000 per year in federal funds administered by Alu Like, Inc. to operate the Retention Program.

NEED FOR ADDITIONAL FEDERAL SUPPORT

The University of Hawai'i is committed to serving the Hawaiian community and will continue to provide quality programs with state funds. In addition, we are actively seeking additional federal support. For example, we will be submitting a research proposal in the area of Hawaiian mental health prevention and also cancer research. We will resubmit our proposal for Patricia Roberts Harris minority graduate fellowships funded by the US Department of Education (UH-Manoa missed by only 1 point in this program last year). We will be working closely with the Kamehameha Schools to assure that Hawaiian students interested in attending the University of Hawai'i benefit from the $1.4 million Higher Education Demonstration Program awarded to the Kamehameha Schools; we would like to look into the possibility of directly applying for these kinds of funds. We have asked Senator Inouye to assist the University in obtaining federal funds to match state funds for the proposed Hawaiian Studies Center at the Manoa campus.

The University of Hawai'i seeks to work collaboratively with federal agencies to improve and expand our educational services to the Hawaiian community. We need more federal assistance to adequately meet the many research and training needs of Hawaiian community.

I will conclude my testimony with quotations from the preface of the Ka'u UH Hawaiian Studies report: " An expanded commitment" to the Hawaiian community by the University of Hawai'i " will have far-reaching benefits for the Hawaiian people and for the entire State of Hawai'i... The University can contribute to scholarly thought in the arts and sciences, as well as make important contributions to the everyday life of all races who live in Hawai'i nei, but especially for the native people of this land."

Thank you for this opportunity to testify.

UNIVERSITY OF HAWAII

PRESIDENT

OVERSIGHT HEARINGS ON THE HAWAIIAN HOMES COMMISSION ACT OF 1920
BEFORE THE U.S. SENATE SELECT COMMITTEE ON INDIAN AFFAIRS
AND THE U.S. HOUSE COMMITTEE ON INTERIOR AND INSULAR AFFAIRS
HELD ON AUGUST 7-11, 1989

RESPONSES
BY
ALBERT J. SIMONE
PRESIDENT, UNIVERSITY OF HAWAI'I
SEPTEMBER 11, 1989

I. Regarding a timetable for the University of Hawaii (U.H.) enrollment of Hawaiian students to reach parity with that of other ethnic groups.

The American Council on Education and the Education Commission of the States, the two major educational organizations in the nation, express their goal and hope that "in 20 years, an examination of key social and economic indicators will reveal that America's minority population has attained a quality of life as high as that of the white majority." (One third of a nation: A report of the Commission on Minority Participation in Education and American Life (1988)).

The University of Hawai'i can have parity as its goal for Hawaiian students in 20 years if not earlier.

It may be realistic to seek educational parity with the pre-schoolers starting their education in 1990 and graduating from 12th grade in 2004, baccalaureates/professional and graduate degrees in 2010. Given this timetable, we expect near parity at U.H. by 2004 which can be achieved only with a bold effort beginning in pre-school and with effective collaborative programs between DOE, private schools and the University. Each year, the proportion of Hawaiians at U.H. must increase but the major increases will occur with Hawaiian children who are currently 6th grade or lower, i.e. six years from now.

The following data shows 1988 levels of participation of Hawaiian students: U.H. system - 8.7%; University of Hawaii at Manoa - 5.1%; University of Hawaii at Hilo - 18.3%; University of Hawaii at West Oahu - 9.5%; Community Colleges - 10.3%; Dept. of Education - 21.7%.

Parity at U.H. system using current Department of Education proportion of Hawaiian student requires an increase from the current 8.7% to 22% in 2010. The following estimated timetable is based on a major effort at parity with 1990 pre-school children:

1990	pre-school
2004	high school graduates
2004	U.H. freshmen

The U.H. estimated timetable and goals for enrollment of Hawaiian students:

1990	9%
1994	11%
1998	13%
2002	15%
2006	20%
2010	22%

To insure that the University can achieve its goal of parity for Hawaiian students in 20 years, if not earlier, current efforts must be continued and expanded (e.g. Federally funded project Imi Ho’ola with the Medical School, Carl Perkins Vocational Education project administered by Alu Like, Inc. and State funded Operation Kua’ana and Hawaiian Leadership). In addition, new initiatives, particularly those that will involve the Hawai’i Department of Education, Kamehameha Schools and community groups must be developed (e.g. early intervention in elementary schools to develop math, writing, Hawaiian language and culture, and college awareness).

II. Regarding the number of Hawaiians on the University of Hawaii (U.H.) faculty and non-faculty.

A. U.H. Faculty (1987)	Total	#	% Hawaiian
1. Manoa*	1,070	17	1.5%
2. Community Colleges	667	38	6.0%
3. Hilo	321	19	6.0%

B. U.H. Staff (1987) Non-Faculty
(Administrative/Professional/Technical and Clerical)

1. Manoa	1,914	142	7.4%
2. Community Colleges	415	53	13.0%
3. Hilo	175	20	11.0%

*Note: U.H. Manoa and Hilo faculty are usually recruited nationally and national ethnic/racial categories are used (e.g. Asian/Pacific American, Black, Hispanic, white). Hawaiians are generally included in the "Asian/Pacific American" category, a group which comprises only 2% of the relevant labor force for faculty appointments.

JOHN WAIHEE
GOVERNOR

WINONA E. RUBIN
DIRECTOR

ALFRED K. SUGA
DEPUTY DIRECTOR

MERWYN S. JONES
DEPUTY DIRECTOR

STATE OF HAWAII
DEPARTMENT OF HUMAN SERVICES

OVERSIGHT HEARINGS ON THE HAWAIIAN HOMES COMMISSION ACT OF 1920 BEFORE THE U.S. SENATE SELECT COMMITTEE ON INDIAN AFFAIRS AND THE U.S. HOUSE COMMITTEE ON INTERIOR AND INSULAR AFFAIRS

TESTIMONY OF WINONA E. RUBIN
DIRECTOR
DEPARTMENT OF HUMAN SERVICES

August 7, 1989

Mr. Chairman and Members of the Committees:

I am Winona Kealamapuana Ellis Rubin, Director of the Department of Human Services. In its mission to provide services to those in need of special assistance (be it a need for shelter, financial, social, medical, or rehabilitative assistance), the department provided financial, food stamps and/or medical assistance to about 100,000 adults and children, over 21,000 of whom were Hawaiian. Hawaiians comprised 19.5% of the over 91,600 persons identified in the 1980 census report as below the poverty level. Appendices to the testimony provide some of the data extracted from client/recipient information and from draft departmental profiles of regional utilization of services by Hawaiians and ethnic groups in the state.

Appendix A - Representation of Hawaiians in the service recipient population and client/recipient data.

Appendix B - Representation of elder Hawaiians in recipient population age 55+ and utilization data by geographic areas.

The preliminary data affirms that the high concentration of Hawaiians being served by the department on the island of Molokai, in Keaukaha-Waiakea and Waimea-Kohala on the island of Hawaii; and Waimanalo, Waianae and Ko'olauloa on Oahu parallels that of Hawaiian homestead communities -- areas with limited job opportunities and resources. You will note that there is a growing population of elders in those Hawaiian communities which will require increased elder support services. In planning the kinds of services and the method of service delivery for the elder population, the department must consider geographic concentrations and the cultural context for usage. Since 1988, the department has been collaborating with ALU LIKE, Incorporated, in their Native Hawaiian Elderly Needs Assessment, currently in progress, in preparation for taking a more active, meaningful role in the future.

Nearly one out of every 3 (30%) of the approximately 14,000 adults on Aid to Families with Dependent Children (AFDC) are Hawaiian. In cooperation with the Department of Labor & Industrial Relations and community agencies such as ALU LIKE the the department is expanding its state-funded Project Success job training program to all islands and considering refinements to the model for possible incorporation into the Job Opportunities & Basic Skills (J.O.B.S.) program under the federal Family Support Act of 1988. The number and concentration of Hawaiians in department programs has implications to the implementation of welfare reform in those communities. It will require an understanding of cultural, economic and other influences, including family living patterns, quality of life values and the range of employment opportunities available. We expect that this awareness and culturally relevant approaches to training and support services will be included in the recommendations of the community focus groups that currently are assisting the department in developing the state plan for implementation of the Job Opportunities & Basic Skills program in October 1990. The department welcomes the opportunity to work with the Department of Hawaiian Home Lands, Office of Hawaiian Affairs and ALU LIKE, in their efforts to encourage entrepreneurial activity which can provide additional job options for Hawaiians on our rolls.

Although we do not have accurate information to date on this concern, the lengthy applicant list for Hawaiian home lands probably contains a number of families who are homeless or who currently have double- or triple- family occupancy, who are on the Hawaii Housing Authority public housing waiting list, or who live with friends or are in emergency shelters. The role of extended families and factors affecting family relations, e.g. housing limitations, will need attention. When more accurate information is available, estimates can be made for additional resources for infrastructure costs and funds for transitional family support services which will be required.

Consistent with the Governor's priority to halt the cycle of poverty, to reduce dependency and to develop self-sufficiency among all individuals and families in need, the Department of Human Services is focusing on client access to services, family empowerment through creating "enabling" opportunities for client independence, promoting community participation in departmental planning, and fostering of interdepartmental collaboration in delivery of services.

The State, through the department's Family and Adult Services, Health Care Administration (Medicaid), Vocational Rehabilitation and Services to the Blind divisions as well as the Hawaii Housing Authority (HHA), has addressed Hawaiian needs through existing statewide programs. In order to increase assistance to Hawaiians, particularly those on homestead land, federal assistance is required to provide:

1. A statewide program promoting outreach social workers and aides for elders and families in homesteads... to meet their special social support needs.
2. Culturally appropriate homebased intervention services as a preplacement preventive service to reduce out-of-home placement of Hawaiian children.
3. Emergency and transitional shelters, especially for elders and families with children who are on the waitlist for housing/rental assistance and who are unable to secure safe shelter.
4. Additional Housing/Urban Development Section 8 housing vouchers to meet rental assistance needs. (Note the Public Housing and Section 8 waitlist in Appendix, pages B-2, B-3.)
5. Additional federal child abuse and neglect demonstration funds for the State to explore innovative and culturally responsive (e.g., a specialized program for Hawaiian

homesteads) approaches to address family stress and violence.

6. Stipends to allow those seeking pre- and post- education field placement experience to be able to serve in homestead communities.
7. Training funds to encourage low income Hawaiian individuals to pursue a human services career. Linked with a stipend program, this can be a means for Hawaiians to return and to use their knowledge of the community to promote culturally responsive services.

Federal funds can help to make the difference in addressing the needs of Hawaiians. We urge your favorable action in providing these federal resources.

Thank you for the opportunity to present this testimony. today.

APPENDIX A

Representation of Hawaiians in the service recipient population:

	Total Service Recipient Population	# of Hawaiians	%
CY 1987:			
*AFDC			
(adults)	14,089	4.238	30%
(estimated # of children)	26.850	8,055	
GA			
(adults)	4.871	928	19%
(estimated # of children)	1.616	307	
AABD - (adults)	244	30	12.2%
Food Stamps Only			
(adults)	20.009	3.430	17.1%
(estimated # of children)	14.857	2.540	
Medical Assistance Only			
(adults)	15.113	1.541	10.1%
(estimated # of children)	3.931	397	

KEY: AFDC - Aid to Families with Dependent Children
GA - State General Assistance
AABD - State Aid to Aged, Blind and Disabled

Representation of Hawaiians in the service recipient population:

	Total Service Recipient Population	# of Hawaiians	%
FY 1988:			
Chore Services	1,442	236	16.3%
*Child Day Care Services	1,036	447	43.1%
Adult Day Care Services	134	15	11.1%
*Foster Care Services - Family/Children Cases	2,425	831	34.2%
Foster Care Services - Adult Cases	2,105	323	15.3%
*Adoption Services	354	88	24.8%
*Child Protective Services (Reports, confirmed & unconfirmed)	3,682	928	25.2%
Elder Protective Services (Reports, confirmed & unconfirmed)	347	46	13.2%

Representation of Hawaiians in the service recipient population:

	Total Tenant Population (Head of Household Only)	# of Hawaiians	%
As of 6/30/89:			
PUBLIC HOUSING:			
Federal Low Rent Public Housing (Elder Housing)	1.288	102	7.9%
*Federal Low Rent Public Housing (Family Housing)	3.749	1.022	27.2%
[Applicants/waitlisted - for elder & family]	[4.284]	[1.062]	[24.7%]
*State Low Rent Public Housing (Family Housing)	496	132	26.6%
[Applicants/waitlisted]	[1.147]	[351]	[30.6%]
TOTAL LOW RENT PUBLIC HOUSING	1.256	748	22.7%
Other Housing Programs (Act 105-Rentals. Farm Worker Housing. & DOT Housing)	222	83	37.3%
[Applicants/waitlisted]	[176]	[87]	[49.4%]
RENTAL ASSISTANCE:			
Section 8 - Existing Certificate Program	1.556	485	31.1%
[Applicants/waitlisted - for existing & voucher]	[2549]	[749]	[29.3%]
Section 8 - Voucher	156	49	31.4%
State Rent Supplement	1.336	254	19%
[Applicants/waitlisted]	[539]	[133]	[24.6%]
TOTAL RENTAL ASSISTANCE	3.048	788	25.8%

Bracketed information refers to applicants in process of receiving housing assistance or on waitlist.

DHS CLIENT/RECIPIENT DATA FOR 1987 BY PROGRAM, REGION, & ETHNICITY

FINANCIAL ASSISTANCE

- Number of adult recipients

Type of Assistance	Service Recipients, Statewide Total	Region	Service Recipients, By Region	By Ethnicity													
				Hawn	Fil	Chin	Kor	Jpn	Sam	PR	Bla	Ind	Whi	Mix	Oth	Unk	Ref
Aid to Families with Dependent Children (AFDC)	14089	Hawaii	3197	836	237	10	5	86	11	37	31		1166	139	23	616	
		Kauai	527	152	59	3	1	21		3	4		193	34	1	56	
		Maui	650	162	29	4		14		7	6		262	28	8	130	
		Molokai	361	233	39			7	3				40	13	2	24	
		Lanai	6	3	3												
		Oahu	9348	2852	863	72	49	264	855	128	95		1486	871	504	1309	
		TOTAL	14089	4238	1230	89	55	392	869	175	136	0	3147	1085	538	2135	0
State General Assistance (GA)	4871	Hawaii	1117	190	57	2	1	36	3	14	14		534	27	8	231	
		Kauai	139	38	15			9		4	1		56	6		10	
		Maui	123	22	4	1		5		1	3		68	3	1	15	
		Molokai	110	64	16	1		2					19	2	1	5	
		Lanai	0														
		Oahu	3382	614	189	42	28	168	122	39	99		1031	195	479	376	
		TOTAL	4871	928	281	46	29	220	125	58	117	0	1708	233	489	637	0
State Aid to the Aged Blind, & Disabled (AABD)	244	Hawaii	23	2	2		1	1		1			8		1	7	
		Kauai	4					1					3				
		Maui	6		3								2	1			
		Molokai	0														
		Lanai	1	1													
		Oahu	210	27	44	8	11	12		1	4		42	6	27	22	
		TOTAL	244	30	49	8	12	14	6	2	4	0	55	7	28	29	0
Total	19204			5196	1560	143	96	626	1000	235	257	0	4910	1325	1055	2801	0

DHS CLIENT/RECIPIENT DATA FOR 1987 BY PROGRAM, REGION, & ETHNICITY

FOOD STAMP ASSISTANCE ONLY
* Number of Adult Recipients

Region	Service Recipients, By Region	By Ethnicity													
		Hawn	Fil	Chin	Kor	Japn	Sam	PR	Bla	Ind	Whi	Mix	Oth	Unk	Ref
Hawaii	3935	855	557	20	17	308	8	91	32		1520	157	60	310	
Kauai	1144	219	286	5	1	141	5	11	2		330	65	5	74	
Maui	963	208	116	4	4	165	4	18	6		339	27	28	44	
Molokai	469	233	99	2	1	18	5	2	2		74	8	4	21	
Lanai	37	7	19			7			1			1	1	1	
Oahu	13461	1908	2003	608	507	935	750	210	610		3093	544	905	1388	
TOTAL	20009	3430	3080	639	530	1574	772	332	653	0	5356	802	1003	1838	0

DHS CLIENT/RECIPIENT DATA FOR 1987 BY PROGRAM, REGION, & ETHNICITY

MEDICAL ASSISTANCE ONLY
- Number of Adult Recipients

Region	Service Recipients, By Region	By Ethnicity													
		Hawn	Fil	Chin	Kor	Japn	Sam	PR	Bla	Ind	Whi	Mix	Oth	Unk	Ref
Hawaii	2090	299	375	14	5	384	3	22	11		593	26	1	357	
Kauai	892	130	276	8	2	203	1	8	1		198	16	4	45	
Maui	791	108	112	2	3	210	3	9	2		199	11	5	127	
Molokai	210	86	52	1	1	15	2				31	2		20	
Lanai	44	5	35			2			1		1				
Oahu	11086	913	1805	751	526	1826	497	91	56		1251	210	534	2626	
TOTAL	15113	1541	2655	776	537	2640	506	130	71	0	2273	265	544	3175	0

DHS CLIENT/RECIPIENT DATA FOR FY 1988 BY PROGRAM, REGION, & ETHNICITY

SOCIAL SERVICES

Program	Service Recipients, Statewide Total	Region	Service Recipients, By Region	By Ethnicity													
				Hawn	Fil	Chin	Kor	Japn	Sam	PR	Bla	Ind	Whi	Mix	Oth	Unk	Ref
Chore Services	1442	East HI	154	24	33	1		29		2	1		53	5	3	2	1
		West HI	126	29	36	6		15		5	1	1	28	3		2	
		Kauai	94	14	29	1		13		4			21	9	2	1	
		Maui	178	13	17	6		81	1	2	1	1	52		1	3	
		Molokai	82	30	23			15	1	2			10	1			
		Oahu	808	126	111	55	14	137	26	35	6		227	39	12	18	2
		TOTAL	1442	234	249	69	14	290	28	50	9	2	391	57	18	26	3
Child Day Care Services	1036	East HI	215	72	3	4		3			2	2	32	86	1	10	
		West HI	52	25	1			1					14	11			
		Kauai	124	66	5				2				9	37		5	
		Maui	83	30	3								17	32		1	
		Molokai	4	4													
		Oahu	558	250	13	2	4	2	44	3	8	2	63	122	19	25	1
		TOTAL	1036	447	25	6	4	6	46	3	10	4	135	288	20	41	1
Adult Day Care Services	134	East HI	57	8	3	3		31	1	1			9	1			
		West HI	1					1									
		Kauai	24	2	7	1		12					1		1		
		Maui	39	5	11	1		16		1			5				
		Molokai	0														
		Oahu	13		1	1		10		1							
		TOTAL	134	15	22	6	0	70	1	3	0	0	15	1	1	0	0

DHS CLIENT/RECIPIENT DATA FOR FY 1988 BY PROGRAM, REGION, & ETHNICITY

SOCIAL SERVICES

Program	Service Recipients, Statewide Total	Region	Service Recipients, By Region	By Ethnicity													
				Hawn	Fil	Chin	Kor	Japn	Sam	PR	Bla	Ind	Whi	Mix	Oth	Unk	Ref
Foster Care Services (Related to Family/Children Cases)	2425	East HI	199	44	7	2	4	3	1	2	4		42	77		12	1
		West HI	141	47	5					1			38	45		5	
		Kauai	106	59	5					2			12	22		4	
		Maui	133	39	6			1			2		23	49	2	11	
		Molokai	21	5	6								5	4		1	
		Oahu	1827	637	88+	13	17	19	91	13	86		238	501	14	103	7
		TOTAL	2425	831	117	15	21	23	92	18	92	0	358	698	16	136	8
Foster Care Services (Related to Adult Cases)	2105	East HI	164	17	42	3		56		2		1	33	6		2	
		West HI	26	3	13			3					7				
		Kauai	147	13	40	2	1	53		4		1	26	4	2	1	
		Maui	66	10	8	3		26		2	1	1	13	1		1	
		Molokai	23	7	6		1	3		1			5				
		Oahu	1679	273	189	110	45	587	10	31	13	2	295	79	9	36	2
		TOTAL	2105	323	298	118	47	728	10	40	14	5	379	90	11	40	2
Adoption Services	354	East HI	6	2	1								1	2			
		West HI	29	2		3	1	1			1		12	7	1	1	
		Kauai	7		2								2	3			
		Maui	23	5	9								2	7			
		Molokai	8	1	7												
		Oahu	281	78	25	7	1	7	17		6		29	91		20	
		TOTAL	354	88	44	10	2	8	17	0	7	0	46	110	1	21	0

DHS CLIENT/RECIPIENT DATA FOR FY 1988* BY PROGRAM, REGION, & ETHNICITY

SOCIAL SERVICES

Program	Service Recipients, Statewide Total	Region	Service Recipients, By Region	Hawn	Fil	Chin	Kor	Japn	Sam	PR	Bla	Ind	Whi	Mix	Oth	Unk	Ref
Child Protective Services (Reports, confirmed & unconfirmed)	3682	East HI	377	79	8			1	6		5		83	134		61	
		West HI	228	35	25	1		2					72	73		20	
		Kauai	268	63	21	1		1	2			1	51	90		38	
		Maui	518	114	49		1	18	6		4	2	117	141	15	49	2
		Molokai	31	8	1								4	18			
		Lanai	7	1				2				1		2		1	
		Oahu	2253	628	115	28	14	27	149	9	117	2	427	633	30	56	18
		TOTAL	3682	928	219	30	15	51	163	9	126	6	754	1091	45	225	20
Elder Protective Services ** (Reports, confirmed & unconfirmed)	347	Hawaii	78	8	12	6		15		1		1	33			1	1
		Kauai	20	2	7	1		3					7				
		Maui	30	5	8			7		1			8	1			
		Oahu	219	31	50	12	3	26	2	3	2		74	6	1	8	1
		TOTAL	347	46	77	19	3	51	2	5	2	1	122	7	1	9	2

* Child Protective Services data is for Calendar Year 1988.

** The total number of Elder Protective Service reports in FY 1988 was 349. However, region information for 2 reports could not be determined; therefore, they are not reflected in the table.

DHS CLIENT/RECIPIENT DATA FOR FY 1989 BY PROGRAM, REGION, & ETHNICITY

HHA RENTAL ASSISTANCE

* Presented is tenant data on heads of households only, as of 6/30/89

Type of Assistance	Service Recipients, Statewide Total	Region	Service Recipients, By Region	By Ethnicity Haw	Fil	Chin	Kor	Jpn	Sam	PR	Bla	Ind	Whi	Mix	Oth	Unk	Ref
Section 8 - Existing Certificate Program	1556	Hawaii	23	5	4		1	4			1		5		3		
		Kauai	0														
		Maui	83	7	9			40				1	13		13		
		Oahu	1450	473	185	56	22	127	34		29	1	355		168		
		TOTAL	1556	485	198	56	23	171	34	0	30	2	373	0	184	0	0
Section 8 - Housing Voucher Program	156	Hawaii	0														
		Kauai	0														
		Maui	0														
		Oahu	156	49	13	4	1	16			3		61		9		
		TOTAL	156	49	13	4	1	16	0	0	3	0	61	0	9	0	0
State Rent Supplement Program	1336	Hawaii	169	55	15	1		20					68		10		
		Kauai	22	7	4			1					8		2		
		Maui	37	6	4			3					10		14		
		Oahu	1108	186	164	88	44	176	22		22	4	300		102		
		TOTAL	1336	254	187	89	44	200	22	0	22	4	386	0	128	0	0
TOTAL	3048			788	398	149	68	387	56	0	55	6	820	0	321	0	0

DHS CLIENT/RECIPIENT DATA FOR FY 1989 BY PROGRAM, REGION, & ETHNICITY

HHA LOW RENT PUBLIC HOUSING PROGRAMS
* Presented is tenant heads of households data only, as of 6/30/89

Type of Assistance	Service Recipients, Statewide Total	Region	Service Recipients, By Region	By Ethnicity														
				Hawn	Fil	Chin	Kor	Japn	Sam	PR	Bla	Ind	Whi	Mix	Oth	Unk	Ref
Federal Low Rent Public Housing Program (Elder Housing)	1288	Hawaii	211	25	62	1	1	75					41		6		
		Kauai	93	9	25			24					29		6		
		Maui	41	5	7			15					13		1		
		Oahu	943	63	69	114	100	307	3		7	3	223		54		
		TOTAL	1288	102	163 ·	115	101	421	3	0	7	3	306	0	67	0	0
Federal Low Rent Public Housing Program (Family Housing)	3749	Hawaii	406	148	73	2		22	2		6	2	92		59		
		Kauai	181	44	51	1		10	2			1	47		25		
		Maui	98	60	3			12					8		15		
		Oahu	3064	770	414	109	60	122	788		44	8	288		461		
		TOTAL	3749	1022	541	112	60	166	792	0	50	11	435	0	560	0	0
FEDERAL TOTAL	5037			1124	704	227	161	587	795	0	57	14	741	0	627	0	0
State Low Rent Public Housing Program (Family Housing)	496	Hawaii	29	10	4	1	1	5					6		2		
		Oahu	467	122	40	23	11	16	78		3	2	42		130		
		TOTAL	496	132	44	24	12	21	78	0	3	2	48	0	132	0	0
FEDERAL & STATE TOTAL	5533			1256	748	251	173	608	873	0	60	16	789	0	759	0	0

DHS CLIENT/RECIPIENT DATA FOR FY 1989 BY PROGRAM, REGION, & ETHNICITY

HHA HOUSING PROGRAMS

* Presented is tenant data on heads of households only, as of 6/30/89

Program	Service Recipients, Statewide Total	Region	Service Recipients, By Region	By Ethnicity														
				Hawn	Fil	Chin	Kor	Japn	Sam	PR	Bla	Ind	Whi	Mix	Oth	Unk	Ref
Other Housing Programs (Act 105- Rentals, Farm Worker Housing, & DOT Housing)	222	Hawaii	170	52	31	4	2	18	2		1		48		12		
		Kauai	0														
		Maui	0														
		Oahu	52	31	5			6	1			1	5		3		
		TOTAL	222	83	36	4	2	24	3	0	1	1	53	0	15	0	0

APPENDIX B

Representation of Hawaiians in service recipient population age 55+:

	Total Service Recipient Population Age 55+	# of Hawaiians	%
FY 1988:			
AABD	196	21	10.6%
GA	745	150	20.1%
APDC (FY 1988 data not usable: utilizing CY 1987 data)	355	N/A	N/A
Medical Assistance Only (Medically Needy)	6,697	515	7.6%
Medical Assistance Only (SSI Only)	6,484	504	7.7%
Food Stamps Only	9,750	1,208	12.3%
Elder Protective Services (Reports, confirmed & unconfirmed)	347	46	13.2%
Community Long Term Care Branch Services (Case Management & Personal Care)	507	73	14.3%
Long Term Care Channeling Services (Case Management: Oahu Only)	278	23	8.2%
Adult Foster Care Services	1,318	159	12%
Chore services	1,177	161	13.6%
Adult Day Care (Usable data not available)	N/A	N/A	N/A

KEY: AABD - State Aid to Aged, Blind and Disabled
GA - State General Assistance
APDC - Aid to Families with Dependent Children
SSI - Supplemental Security Income

Representation of Hawaiians in service recipient population age 55+:

	Total Service Recipient Population Age 55+	# of Hawaiians	%
FY 1988:			
Senior Companion Services - Elder Volunteers	120	22	18.3%
- Frail Elder Recipients	462	26	5.6%
Respite Services (Oahu Only) - Elder Employees	54	4	7.4%
- Recipient caregiver of frail elder age 55+	238	21	8.8%
Foster Grandparent Services	130	6	4.6%
Vocational Rehabilitation Services	242	37	15.2%
PUBLIC HOUSING:			
Federal Low Rent Public Housing (Tenant data, heads of household only)	2,429	285	11.7%
[Applicants/waitlisted]	[1,479]	[125]	[8.4%]
State Low Rent Public Housing (Oahu Only) (Tenant data, heads of household only)	127	17	13.3%
[Applicants/waitlisted]	[163]	[20]	[12.2%]
TOTAL LOW RENT PUBLIC HOUSING	2,556	302	11.8%
Other Housing Programs (Act 105-Rentals, Farm Worker Housing, & DOT Housing)	37	11	29.7%
[Applicants/waitlisted]	18	6	[33.3%]

Representation of Hawaiians in service recipient population age 55+:

	Total Service Recipient Population Age 55+	# of Hawaiians	%
FY 1988:			
RENTAL ASSISTANCE:			
Section 8 - Existing Certificate Program (Tenant data, heads of household only)	420	42	10%
[Applicants/waitlisted - for existing & voucher]	[436]	[63]	[14.4%]
Section 8 - Voucher (Tenant data, heads of household only)	50	5	10%
State Rent Supplement (Tenant data, heads of household only)	457	49	10.7%
[Applicants/waitlisted]	[106]	[10]	[9.4%]

Bracketed information refers to applicants in process of receiving housing assistance or on waitlist.

HAWAIIANS (INCLUDING PART HAWNS) AS PART OF TOTAL ELDER POPULATION, AGE 55+, BY REGION - 1980

AGE	HAWAII COUNTY:			KAUAI COUNTY:			MAUI COUNTY:			OAHU:		
	Total	Hawn	%	Total	Hawn	%	Total	Hawn	%	Total	Hawn	%
55 - 59	5,168	965	(18.2%)	2,480	255	(10.2%)	4,394	363	(8.2%)	36,630	2,402	(6.5%)
60 - 74	11,609	1,511	(13%)	5,034	295	(5.8%)	7,950	743	(9.3%)	74,671	7,919	(10.6%)
75+	2,526	528	(20.9%)	1,222	92	(7.5%)	2,015	186	(9.2%)	18,699	1,191	(6.3%)
TOTAL 55+	19,303	2,984	(15.4%)	8,736	642	(7.3%)	14,359	1,292	(8.9%)	130,000	11,512	(8.8%)

[Excludes persons in institutions, military barracks, Kalawao County or Niihau.
Based on a statewide sample survey of 14,407 persons.]

SOURCE: Hawaii State Department of Health: Health Surveillance Program, special tabulation.

Geographic Distribution and Concentration of Native Hawaiians Age 55-plus

	Estimated Native Hawaiian Population Aged 55+	Population Distribution: Hawaiians 55+ as Proportion of Total Hawaiians 55+ Statewide %	Population Concentration: Hawaiians 55+ as Proportion of Overall Population 55+ within the Area %
Oahu	11,398	70.37	9.48
1) Kamuki to Hawaii Kai	2,101	12.97	7.68
2) University	1,040	6.42	5.68
3) Nuuanu, Kalihi-Palama	1,799	11.11	8.93
4) Airport, Moanalua	1,371	8.46	8.32
5) Ewa-Aiea-Pearl City	999	6.17	7.61
6) Waianae	1,281	7.91	27.94
7) Wahiawa, Waialua, Kahuku	348	2.15	6.56
8) Koolauloa	585	3.61	20.26
9) Kaneohe-Kailua	1,470	9.08	13.38
10) Waimanalo	404	2.49	30.34
Hawaii (Big Island)	2,370	14.63	11.83
1) Hilo Central Hamakua	701	4.33	7.91
2) Keaukaha-Waiakea	645	3.98	29.63
4) Keeau, Pahoa, Kalapana, Kau	243	1.50	8.05
5) Kona	456	2.81	11.89
6) Waimea, Kohala	326	2.02	15.22
Maui	1,277	7.88	8.92
1) Maui East	585	3.61	11.06
2) Maui West	221	1.36	9.37
3) Maui Central	471	2.91	7.06
Molokai	379	2.34	31.01
Kauai	738	4.56	8.01
1) Kauai East	448	2.77	9.11
2) Kauai West	290	1.79	6.76
Total*	16,198	100.00	9.78

DATA SOURCE: Hawaii Health Surveillance Survey (HSP)

* Total number and percentage include Lanai population which are not shown in the table.

SOURCE: Alu Like Inc. Native Hawaiian Elderly Needs Assessment, Work-in-Process, July 1989.

NUMBER OF HAWAIIANS/PART HAWAIIANS UTILIZING DHS SERVICES BY AGE & REGION IN COMPARISON TO NUMBERS IN GENERAL POPULATION & IN POPULATION BELOW POVERTY LEVEL

(FY 1988 Client/Recipient Data)

Age Cohort Group	Region (County)	In General Population*	In Population Below Poverty Level**	Medical Assistance Only (Medically Needy)	Medical Assistance Only (SSI)	AABD (Aged)	AABD (Blind)	AABD (Disabled)	GA	AFDC	Food Stamps Only
55 - 59	Hawaii	945	49	25	13				20		70
	Kauai	255		4	6				8		15
	Maui	363	43	13	7			2	6		23
	Oahu	2402	327	50	67			2	60		164
	TOTAL	3965	419	92	93	0	0	4	94	N/A	272
60 - 74	Hawaii	1511	92	55	46			1	10		133
	Kauai	295	67	26	11				7		42
	Maui	743	128	47	24	4			1		100
	Oahu	7919	571	169	227	8		2	37		460
	TOTAL	10468	858	297	308	12	0	3	55	N/A	735
75+	Hawaii	528	44	22	19	1			1		36
	Kauai	92	6	13	9						18
	Maui	186	31	25	12						33
	Oahu	1191	162	66	63	1					114
	TOTAL	1997	243	126	103	2	0	0	1	N/A	201
	STATEWIDE TOTAL AGE 55+	16430	1520	515	504	14	0	7	150	N/A	1208

* Hawaii State Department of Health: Health Surveillance Program, special tabulation (1980 estimates). (Based on a statewide sample survey of 14,407 persons. Excludes persons in institutions, military barracks, Kalawao County or Niihau.)

** Hawaii State Department of Business and Economic Development: Statistics Branch 1980 Summary Tape File 4B, PB-114.

NUMBER OF HAWAIIANS/PART HAWAIIANS UTILIZING DHS SERVICES BY AGE & REGION
IN COMPARISON TO NUMBERS IN GENERAL POPULATION & IN POPULATION BELOW POVERTY LEVEL
(FY 1988 Client/Recipient Data)

Age Cohort Group	Region (County)	In General Population*	In Population Below Poverty Level**	EPS	CLTCB Case Mgmt	LTCCD Case Mgmt	Adult Foster Care	Chore	Homemaker Services	Adult Day Care
55 - 59	Hawaii	965	49		1		1	6		
	Kauai	255						1		
	Maui	343	43				3	3		
	Oahu	2402	327		12		23	18		
	TOTAL	3965	419	0	13	0	27	28	0	N/A
60 - 74	Hawaii	1511	92	4	1		6	9		
	Kauai	295	67	2	6		1	4	1	
	Maui	743	128	2	3		2	24	1	
	Oahu	7919	571	13	16	11	77	38	1	
	TOTAL	10468	858	21	26	11	86	75	3	N/A
75+	Hawaii	528	44	4	8		1	20	1	
	Kauai	92	6				2	1		
	Maui	186	31	3	3		8	11	1	
	Oahu	1191	162	18	23	12	35	26		
	TOTAL	1997	243	25	34	12	46	58	2	N/A
	STATEWIDE TOTAL, AGE 55+	16430	1520	46	73	23	159	161	5	N/A

* Hawaii State Department of Health: Health Surveillance Program, special tabulation (1980 estimates,.
(Based on a statewide sample survey of 14,407 persons. Excludes persons in institutions, military barracks, Kalawao County or Niihau.)

** Hawaii State Department of Business and Economic Development: Statistics Branch 1980 Summary Tape File 4B, PB-114.

NUMBER OF HAWAIIANS/PART HAWAIIANS UTILIZING DHS SERVICES BY AGE & REGION IN COMPARISON TO NUMBERS IN GENERAL POPULATION & IN POPULATION BELOW POVERTY LEVEL

(FY 1988 Client/Recipient Data)

Age Cohort Group	Region (County)	In General Population*	In Population Below Poverty Level**	Senior Companion Program (Elder Volunteers)	Senior Companion Program (Elder Clients)	Respite Services Program (Elder Employees)	Respite Services Program (Elder Clients)	Foster Grandparent Program (Elder Volunteers)	Vocational Rehabilitation Services
55 - 59	Hawaii	945	49						3
	Kauai	255							3
	Maui	363	43						3
	Oahu	2402	327			1			10
	TOTAL	3965	419	0	0	1	0	0	19
60 - 74	Hawaii	1511	92	4	1			3	2
	Kauai	295	67	2					1
	Maui	743	128	5	3				8
	Oahu	7919	571	7	6	2	8	2	7
	TOTAL	10468	858	18	10	2	8	5	18
75+	Hawaii	528	44		3				
	Kauai	92	6	1	1				
	Maui	186	31	1	4				
	Oahu	1191	162	2	8	1	13	1	
	TOTAL	1997	243	4	16	1	13	1	0
	STATEWIDE TOTAL AGE 55+	16430	1520	22	26	4	21	6	37

* Hawaii State Department of Health: Health Surveillance Program, special tabulation (1980 estimates). (Based on a statewide sample-survey of 14,407 persons. Excludes persons in institutions, military barracks, Kalawao County or Niihau.)

** Hawaii State Department of Business and Economic Development: Statistics Branch 1980 Summary Tape File 4B, PB-114.

NUMBER OF HAWAIIANS/PART HAWAIIANS UTILIZING DHS SERVICES BY AGE & REGION IN COMPARISON TO NUMBERS IN GENERAL POPULATION & IN POPULATION BELOW POVERTY LEVEL
(FY 1988 Client/Recipient Data)

Age Cohort Group	Region (County)	In General Population*	In Population Below Poverty Level**	Section 8 Existing Certificate (Rental Assistance)	Section 8 Housing Vouchers (Rental Assistance)	State Rent Supplement (Rental Assistance)	Federal Low Rent Public Housing	State Low Rent Public Housing	Other Housing Programs
55 - 59	Hawaii	965	49	1			12		3
	Kauai	295				1	1		
	Maui	363	43				2		
	Oahu	2402	327	8	1	7	39	7	1
	TOTAL	3965	419	9	1	8	54	7	4
60 - 74	Hawaii	1511	92	1		2	32	1	5
	Kauai	295	67				14		
	Maui	743	128	4			14		
	Oahu	7919	571	18	1	28	127	9	1
	TOTAL	10468	858	23	1	30	187	10	6
75+	Hawaii	528	44			2	10		
	Kauai	92	6				2		
	Maui	186	31	3			1		
	Oahu	1191	162	7	3	9	31		1
	TOTAL	1997	263	10	3	11	44	0	1
	STATEWIDE TOTAL AGE 55+	16430	1520	42	5	49	285	17	11

* Hawaii State Department of Health: Health Surveillance Program, special tabulation (1980 estimates). (Based on a statewide sample survey of 14,407 persons. Excludes persons in institutions, military barracks, Kalawao County or Niihau.)

** Hawaii State Department of Business and Economic Development: Statistics Branch 1980 Summary Tape File 4B, PB-114.

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APPENDIX C TO TESTIMONY OF WINONA E. RUBIN, DIRECTOR, DEPARTMENT OF HUMAN SERVICES

August 7, 1989

Social Indicators - Hawaii

POPULATION

- Hawaiians comprise 20% of the State's population. [1986 Hawaii Health Surveillance Program]

	ALL ETHNICITIES	NATIVE HAWAIIAN
STATE	1,022,751	211,189 (20.6%)
Hawaii	110,751	34,071 (30.9%)
Kauai	45,921	10,542 (22.9%)
Maui	86,666	22,765 (26.2%)
Oahu	780,024	143,811 (18.4%)

POVERTY AND DEPENDENCE

- Hawaiians are over-represented in the population with income below poverty level.

1980 census data:

Hawaiians as a percentage of State general population = 12%

As a percentage of population with income below federal poverty standard = 20%

The census count for the below poverty level population is considered low because it does not apply the federal poverty

AN EQUAL OPPORTUNITY AGENCY

standard appropriate to Hawaii (federally adjusted to account for Hawaii's higher cost of living). Despite this, the representation of Hawaiians in the below poverty level population is almost twice their representation in the general population of the State.

- o Hawaiians continue to be over-represented in our welfare dependent population.

  Nowhere is the cycle of poverty and dependence more evident than in the persistent preponderance of Hawaiian single-parent families on welfare. In FY 1988, nearly 1 out of every 3 AFDC recipients was Hawaiian.

  The concentration of Hawaiian welfare recipients in regions that parallel Hawaiian Home Land (HHL) homestead communities affords us opportunities to target and enhance efforts to break the persistent cycle of poverty and dependence through special attention and concerted action at the community-based level.

- o A related concern has been the disproportionate representation of Hawaiians in terms of teen pregnancy and teen births; 42% of all teen mothers statewide are Hawaiian. [Kamehameha Schools/Bishop Estate (KS/BE), 8/89]

  The high incidence of teen pregnancy and teen births among Hawaiians often locks them into a pattern dependency. The young parent is at higher risk of noncompletion of schooling, low educational achievement, dependence on welfare, and lower earnings from employment.

  Teen pregnancy also has negative repercussions for the next generation. Starting at birth these children face greater obstacles that increase the risk of failure and dependence. Higher rates of prematurity or low birthweight, infant mortality, mental retardation, reduced intelligence, and birth defects are often associated with early pregnancy. [Native Hawaiian Educational Assessment Project, 7/83]

  > 31% of all low birthweight babies in Hawaii are Hawaiian. [KS/BE, 8/89]
  >
  > Hawaiians rank highest among ethnic groups compared in infant mortality and congenital anomaly rates. [The Health of Native Hawaiians, A Select Report on Health Status and Health Care in the 1980's, Social Process in Hawaii, Vol. 32, 1989]

FAMILY STRESS AND VIOLENCE

- **Hawaiians re over-represented in reported incidence of child abuse/neglect in Hawaii.**

  Hawaiian families comprise 25% of the reported incidences in Hawaii.

- **Hawaiian children are over-represented in the population removed from the home and placed in foster care.**

  Over one-third of the children in foster care placement with the Department of Human Services are Hawaiian.

CORRECTIONS

- **Hawaiians are over-represented in the corrections population of the State.**

  46% of the adult inmates in Hawaii's correctional institutions are Hawaiian. [Alu Like, 1984]

  66% of the youths in corrections are Hawaiians. [Alu Like, 1984]

- **More than two-thirds of the Hawaiians in prison did not complete high school.** [Alu Like, 1977]

- **The problem of functional illiteracy is very real for those Hawaiians ending up in our correctional institutions.**

  It has been conservatively estimated that about 1 out of every 3 inmates at the Oahu Community Correctional Center has reading skills at the fifth grade level or lower. [Department of Corrections, 1989]

- **The employment histories and skills of incarcerated Hawaiian felons tend to be very limited.** [Alu Like, 1977]

  One study reveals that of the Hawaiian inmates surveyed, 75% reported being unemployed or only seasonally/part-time employed prior to incarceration.

- 50% of the repeat offenders in prison or on parole are Hawaiians.

  In short, the chances are 50-50 that when one talks about the so-called career criminal in Hawaii, such a person would be Hawaiian.

- Of the Hawaiian incarcerated youths surveyed by the Office of Hawaiian Affairs in 1981:

  - 86% had attendance and school alienation problems.
  - 81% were drug users.
  - 76% were battered children.
  - 72% came from homes where the parent was unemployed.
  - 72% came from single-parent households.
  - 81% were incarcerated for theft, burglary, or robbery.

HOUSING-RELATED STRESS

- Approximately 27% of the 8,000+ families on waiting lists for Hawaii Housing Authority public housing or rental assistance programs are Hawaiians. [Hawaii Housing Authority, 8/89]

- It has been reported that it is often easier for eligible low income families to find a rental unit under the Section 8 - Voucher Program than under the Existing Certificate Program. However, the number of vouchers available is limited.

  As of 6/30/89, there were 2,549 applicants on the Section 8 waiting list; 29% (749) were Hawaiian. [Hawaii Housing Authority, 8/89]

- Dwelling density stresses have surfaced and have been reported, the extent of the problem is unknown at this time.

  A survey conducted in 1987 revealed that in 61% of the Hawaiian homesteads in Waimanalo, household size was five or greater. One homestead had 24 occupants. [Sunderland & Associates, Inc., 6/87]

Per the Waimanalo survey, two-thirds of those in homesteads with a household of 5 - 6 persons said they would move if appropriate affordable housing were available; 77% of those in homesteads with a household of 7 - 10 persons said they would move; everyone in homesteads with a household size of 11+ said they would move.

ELDERLY

- According to a Department of Health statewide sample survey of 14,407 persons, Hawaiians comprised 9.5% (16,430 out of 172,398) of the State's elder population, age 55 or older, in 1980.

- Hawaiians are over-represented in the elder population with income below poverty level.

  1980 census data:

  Hawaiians as a percentage of State elder population, age 55 or older = 7.5%

  As a percentage of elder population, age 55 or older, with income below federal poverty standard = 12.2%

- Hawaiians are over-represented among those age 55 or older receiving welfare assistance.

  About 18% of the welfare recipients, age 55 or older, receiving financial assistance from the State are Hawaiian.

- Although the majority (70%) of Hawaiians, age 55 or older, reside on Oahu, elder Hawaiian concentrations are high in Molokai and in sectors of Hawaii (Keaukaha-Waiakea and Waimea-Kohala), as well as in sectors of Oahu (Waimanalo, Waianae, and Koolauloa).

- 13% (46 out of 347) of the reports of suspected abuse, neglect, or exploitation received by the state elder protective services program involved Hawaiian elders, age sixty or older.

- There is a general reticence among Hawaiians to seek out supportive services. Major reasons expressed for underutilization: high on the list was distrust; shame and embarrassment were often cited. [Native Hawaiian Elderly Needs Assessment Project, 7/89]

Hawaiian community organizations can serve to bridge service providers to the elderly population.

- The Hawaiian culture is a very family-oriented culture and Hawaiian elders are often part of an extended family. Elder services in many cases may need to be viewed from a broader family support orientation.
- Of the 2000+ families with a head of household age 55 or older and on waiting lists for Hawaii Housing Authority public housing or rental assistance programs, 10% are Hawaiian. [Hawaii Housing Authority, 8/89]

JOHN WAIHEE
GOVERNOR

STATE OF HAWAII
DEPARTMENT OF HUMAN SERVICES

WINONA E. RUBIN
DIRECTOR

ALFRED K. SUGA
DEPUTY DIRECTOR

MERWYN S. JONES
DEPUTY DIRECTOR

August 7, 1989

SUMMARY STATEMENT

Mr. Chairman and Members of the Committees:

Aloha kakou. I am Winona Kealamapuana Ellis Rubin, Director of the Department of Human Services.

The State Department of Human Services assists those persons who have special needs through its three divisions - Family & Adult Services, Health Care Administration and Vocational Rehabilitation and Services to the Blind, as well as through the administratively attached Hawaii Housing Authority.

- The department serves approximately 21,000 Hawaiians through existing statewide programs.
- Data included in Appendices A & B of my testimony points out the approximately one out of every three or 30% of the approximately 14,000 adults on Aid to Families with Dependent children (AFDC) are Hawaiian.
- There are high concentrations of Hawaiians being served by the department on Molokai; in Keaukaha-Waiakea and Waimea-Kohala on the island of Hawaii; and in Waimanalo, Waianae and Ko'olauloa on Oahu - areas which parallel that of Hawaiian homestead communities and which have limited job opportunities and resources.
- The Hawaiian Home Lands waiting list may contain many Hawaiians who are homeless, live in over crowded circumstances or are on public housing waiting lists.
- The number and concentration of Hawaiians in department programs has implications for the departments implementation of welfare reform in those communities. It will require an understanding of cultural, economic and other influences, including family living patterns, quality of life value and the range of employment opportunities available.

AN EQUAL OPPORTUNITY AGENCY

The department has been cooperating with agencies such as ALU LIKE on the Native Hawaiian Elderly Needs Assessment and Project Success employment training and placement program.

Through native American legislation, under your leadership Mr. Chairman, Congress has acknowledged that Hawaiians, as Native Americans, have significant needs for which federal funds should be made available. Some funds have been designated for Hawaiians in Older American, health and education legislation.

FEDERAL ASSISTANCE IS NECESSARY FOR HAWAIIANS IN HUMAN SERVICES AND HOUSING TO BEGIN TO MAKE A DIFFERENCE IN THESE AREAS, ALSO.

We request your favorable consideration of federal funds to provide:

(1) A statewide program promoting OUTREACH SOCIAL WORKERS AND AIDES for elders and families in homesteads to meet special social support needs.

(2) CULTURALLY APPROPRIATE HOME BASED INTERVENTION SERVICES as a preplacement preventive service to reduce out of home placement of Hawaiian children.

(3) EMERGENCY AND TRANSITIONAL SHELTERS, especially for elders of families with children who are on waitlists for public housing/rental assistance and unable to secure safe shelter.

(4) Additional Housing & Urban Development (HUD) SECTION 8 VOUCHERS to meet assistance needs.

(5) Addtional federal CHILD ABUSE and neglect demonstration funds for the state to explore innovative and culturally responsive approaches to address family stress violence.

(6) STIPENDS to allow those seeking pro and post professional educational field placement expenses to be able to serve in homestead communities.

(7) TRAINING FUNDS to encourage low income Hawaiian individuals to pursue a human service career.

Federal funds can help to make the difference in addressing the needs of Hawaiians. We would be pleased to work with your staff toward this outcome.

We urge your favorable action in providing these federal resources.

Mahalo.

JOHN WAIHEE
GOVERNOR OF HAWAII

STATE OF HAWAII
DEPARTMENT OF HEALTH
P. O. BOX 3378
HONOLULU, HAWAII 96801

JOHN C. LEWIN, M.D.
DIRECTOR OF HEALTH

In reply, please refer to:
File:

OVERSIGHT HEARINGS ON THE HAWAIIAN HOMES COMMISSION ACT OF 1920 BEFORE THE U.S. SENATE SELECT COMMITTEE ON INDIAN AFFAIRS AND THE U.S. HOUSE COMMITTEE ON INTERIOR AND INSULAR AFFAIRS

TESTIMONY OF DR. JOHN C. LEWIN
DIRECTOR
DEPARTMENT OF HEALTH

August 7, 1989

Mr. Chairman and Members of the Committees:

By the time Congress passed the Hawaiian Homes Commission Act in 1921, many profound changes had already negatively influenced the health and integrity of the aboriginal descendants of these islands.

The sophisticated civilization which existed in 1778, at the time of the arrival of Captain Cook had a population estimated to be at least 300,000 - 500,000 people. That number had decreased by over 95% to less than 18,000 people after the overthrow of the Hawaiian monarchy in the late 1800's (Source: State Statistician R. Schmidt).

The Hawaiians were immunologically unprepared to cope with the barrage of infectious diseases, plague, and pestilence which came to them with the arrival of the various outside cultures, and this clearly contributed significantly to their drastic reduction in numbers. However, this depopulation could not be attributed solely to the exposure to foreign disease to these people who had been living in complete isolation from the rest of the planet for about 500 years (Kirch, 1984). In fact, acculturation brought drastic changes to their whole way of life: to their diet, to their traditional religious and healing practices, to the economy which they knew and practiced, to the entire Hawaiian way of life.

As the Hawaiians gave up their rich culture, many facets of what was highly sophisticated began to diminish and disappear. The response to its loss began to take hold in symptoms of physical and mental collapse.

Today, we address the crisis in the health of the Hawaiians of the present and make some suggestions about solutions which are needed.

The State of Hawaii today enjoys the highest health status of all the American states. We have the greatest longevity, the lowest incidence of heart attacks, the lowest incidence overall of cancer, emphysema, and obesity. We enjoy the lowest per capita rate of ACUTE CARE hospitalization and utilization of long term care beds. And yet, included among these impressive statistics, one fifth of our population, our Hawaiians, have close to the worst health status of any population group in America.

Today, the population of Hawaii is estimated to be 1,022,751, of which 211,189 residents are of Hawaiian ancestry.

Thus, the Hawaiians represent 20.7% of our present state population. In terms of their health status, the tragic statistics of Hawaiian health, in relation to those of other population groups in Hawaii, speak for themselves.

The Hawaiians experience:

- the shortest life expectancy of 74.01 years (Chinese in Hawaii have the highest expectancy of 80.24 years)

- death rate 146% higher than U.S. all race populations

- death rate 126% higher for all cancers than U.S. all race populations

- death rate 145% higher for cerebrovascular diseases than U.S. all race populations

- death rate 588% higher for diabetes mellitus than U.S. all race populations

- highest death rate from high blood pressure at 7.5/100,000 for men ages 45-64 in Hawaii-- (1.6/100,000 for all other ethnic groups)

- highest death rate from stroke at 73.4/100,000 for men ages 45-64 in Hawaii (42/100,000 for all other ethnic groups)

- death rates 177% higher for heart disease as compared with U.S. all race populations

- highest lung cancer rate in the world at 100.9/100,000

- highest prevalence rate of 86.7/100,000 for diabetes, heart disease and hypertension in women (78/100,000 for all other ethnic groups)

- higher rates of infant mortality, congenital abnormalities and low birth weight infants

- highest in receiving late or no prenatal care, consuming alcohol and drugs and smoking during pregnancy, and in experiencing toxemia and other complications of pregnancy over 35 years of age

- under-representation in rates of participation in health education, health promotion, screening, referral and mental health services,

- over-representation in state mental health facilities for behavioral and personality disorders,

- under-representation to access Medicare and regular medical insurance and over representation for being enrollees for Medicaid.

This sad litany of problems has been responded to by the Congress with the passage of the Native Hawaiian Health Care Act of 1988 (P.L. 100-579); an Act which will direct nearly $20 million in the next three years to address the defined health needs of the Hawaiians.

However, much is being done for the health of Hawaiians entirely at the State's expense. But without significantly increased federal assistance, consistent with federal commitments to the health of other indigenous peoples in the USA, our goals will be difficult to achieve indeed.

The Hawaii State Department of Health provides many public health services to Hawaiians. We are a centralized Department with an annual budget of $277,024,196 in FY 1990. With these funds, we provide acute and long term hospitalization for many of our Neighbor Island residents, mental health, developmental disabilities, maternal and child health, environmental protection and a wide variety of other preventive services. We cannot pretend that these services are targeted directly upon Hawaiians to the exclusion of other population groups in Hawaii. However, we do estimate that approximately $63,000,000 in our programmatic funds (23% of our total budget) impacts directly on Hawaiians, and the remainder of the budget is accessible to all citizens, including Hawaiian. Of the $63,000,000, about $60,000,000 represents exclusively State funding.

Our growing concern has been that these funds appropriated for health services to underserved populations are not impacting the problem effectively. Our services historically have not been culturally sensitive or culturally acceptable, rendering most past efforts unsuccessful. Our new efforts then are directed at targeting these funds to measurable indicators of health status of our Hawaiians. We have entered into a committed effort to create new programs and change existing services to Hawaiians such that they are self-determined by Hawaiian community and civic leaders and Hawaiian health professionals to be accessible, available, affordable and, most importantly, culturally appropriate. Recalling that one of the most significant findings of the E Ola Mau (Live On), Hawaiian health study of 1985 was that Hawaiians under-utilize existing health services, we are changing our orientation to increased sensitivity to Hawaiian cultural values rather than trying to coerce Hawaiian People to fit into our molds and patterns.

- Governor Waihee supported our development of an Office of Hawaiian Health which was created in February of this year. This Office will now play a key role to support and coordinate the Department's efforts in planning and designing health services which successfully engage Hawaiians and Hawaiian clients to adopt healthier lifestyles and seek appropriate preventive and curative care. The Director of this office sits on Papa Ola Lokahi, (the Hawaiian Health Board) established by the Native Hawaiian Health Care Act to guide and direct the allocating of the associated Federal funds. The director of this office also sits on several interagency committees in their planning efforts for Hawaiians--i.e. the Committee at Alu Like, which is designing a grant proposal under the Older American's Act, which will focus on congregate dining for the Hawaiian elderly--utilizing some of the benefits recently learned from the Molokai Diet Study.

This office will play a vital role also in ensuring that Hawaiians receive due benefits from recent path breaking initiatives the Department has undertaken in health care financing. Hawaii is committed to be the first state in the USA to make access to health insurance a right of all citizens. Many of the citizens in the remaining "gap group" who will soon be eligible for state funded health insurance in 1990 are Hawaiian. The Department of Health developed this State Health Insurance Program (SHIP) this past year to reach 20,000 to 30,000 people.

Further, the Department will be allowing Hawaiians to receive other needed benefits through our recently mandated mental health and substance abuse insurance law, which makes available broad, preventive-oriented early intervention services. Both of these new health insurance programs were designed to increase access to care for Hawaiians, who are over-represented among those who will be eligible. These and other fiscal mechanisms for providing health care are an important part in planning for better health for Hawaiians. Not only do they provide access to care previously unavailable, they also could be an important source of financing for the Hawaiian Health Centers, to be provided under the Native Hawaiian Health Care Act.

The OHH director also acts for the department as a liaison to the National Cancer Institute, Special Populations Branch, in its planning efforts to facilitate the establishment of a Native Hawaiian Cancer Research Center in Hawaii.

The Office of Hawaiian Health has grown out of the Department of Health, Native Hawaiian Health Task Force. This body represents all Department of Health divisions and districts with Department of Health's employees who are Hawaiian health professionals and activists. The task force brings to the planning process direct input from all programs and employees and recently sponsored a statewide Hawaiian Health Conference at which more than 800 Department of Health employees of Hawaiian ancestry participated in a process of planning for Department of Health's action with Hawaiians at the community-level. The task force is an ongoing part of the Office of Hawaiian Health's activities.

- These actions have generated already a variety of other planning committees and focus groups in the Department which are looking into specific problem areas as they relate to Hawaiians--i.e. diabetes, nutrition, the homeless.

- The Alcohol and Drug Abuse Division recently developed an excellent Request for Proposals (RFP) designed to allow traditional Hawaiian healing practices to be incorporated and utilized in substance abuse programs.

- In fact, each of our 16 divisions is developing a specific Hawaiian health initiative and focus, using existing funding and staff, and is planning in preparation for cooperation and requests for action in response to the Native Hawaiian Health Care Act programs.

- In further support of traditional Hawaiian healing, the Department is presently contracting with a Hawaiian Organization (E Ola Mau) to develop a Central Registry of Hawaiian Healers, to organize them statewide, to develop a system of referral for their services, and to provide a training package for agencies to teach appropriate interfacing of Western and Hawaiian healing methods.

These are just some of the new efforts undertaken by this Department under the administrative direction of Governor John Waihee. We are fully committed to the challenge of meeting the unique health needs of Hawaiians, who are currently the State's population group at highest risk. And, in rendering our existing health care programs more accessible and culturally acceptable to Hawaiians, we will greatly enhance the efficiency of existing state health funds and services.

Our state commitment must also be matched in funds. All residents of Hawaii pay federal income taxes which are used to fund Indian Health Service benefits to American Indian, Eskimo and Aleut people residing in the mainland states. It seems to the Department that our Hawaiian People are similarly justified in receiving increased federal health service funding. We are extremely grateful to Senator Inouye and other Senate and House members for your support of the Native Hawaiian Health Care Act of 1988. If fully funded as authorized, we might expect from 5-8 million dollars per year for health education, prevention, cultural healing, and improve access to health services. This would amount to between 23 and 38 dollars per year, per Hawaiian person in our State. This is indeed a beginning of a legitimate federal commitment to accompany about $60,000,000 or $283 per Hawaiian person being spent annually on their health from state funds!

In contrast, the Indian Health Service (IHS) with an annual budget of over 1 billion dollars, spends approximately $730 per eligible person per year for Indian, Eskimo, and Aluet beneficiaries! I personally, as a part Cherokee individual, have had the privilege of spending seven years as a commissioned officer physician in the Indian Health Service. I was the first

Navajo National Tribal Health Director and am very familiar with the serious health status problems and underfunding--particularly in the area of mental health and substance abuse--in the Indian Health Service (IHS). However, though they are seemingly hidden from view in this beautiful and idyllic environment, our Hawaiian People suffer a similar health status of a comparable level to their American Indian, Eskimo, and Aleut counterparts on the mainland. I appeal to you today, therefore, to help us in acquiring the resources we need in Hawaii to meet the health needs of our Hawaiian People.

We propose that the health status of Hawaiians, including those prevention indices outlined in the Surgeon-General's National Health Objectives for the Year 2000, be improved to parity with the State as a whole by the Year 2000. I have outlined the strategies we propose in order to achieve this sizable accomplishment. We are committed to realizing our vision of the "Health State", positioning Hawaii as the international health and wellness capitol. Yet, this commitment must be based upon our efforts to produce more and better data, the necessary quality assurance programs, focused health status targets, and the funding to implement the targeted goals. The biggest gains in reaching the overall "Hawaii the Health State" vision will obviously come from emphasizing and achieving real results with the ailing health status our Hawaiian brothers and sisters.

Through all these processes and issues, the spirit of Aloha forms a critical core to our concept of the Health State. It was the Aloha of the Hawaiians which has consistently greeted visitors and immigrants to our State with warmth and friendship. It is this Aloha and the many other Hawaiian cultural values and traditions which truly bind us together as a people. It will, therefore, be the vision and the commitment of our Department of Health and the State of Hawaii to ensure that the spirit of Aloha and the blessing of good health be justly and equitably extended to all our people, and especially to our citizens of Hawaiian ancestry--those who welcomed the rest of us here.

SUMMARY OF ESTIMATED IMPACT OF DEPARTMENT OF HEALTH PROGRAMS FOR HAWAIIANS

HTH	PROGRAM	IMPACT
101	Tuberculosis	$ 61,810
111	Hansen's Disease	2,438,931
121	Sexually Transmitted Diseases	367,548
131	Other Communicable Diseases	371,141
139	Supporting Services for Communicable Diseases	-0-
141	Dental Diseases	257,703
151	Chronic Diseases	104,623
160	Nutrition	2,090,545
170	Emergency Medical Services	4,265,421
185	Family Planning	296,840
191	School Health Services	1,624,876
211-215	Hawaii County Hospitals	12,841,668
221-224	Maui County Hospitals	8,053,103
231-232	Kauai County Hospitals	2,527,641
241-242	Honolulu County Hospitals	3,147,484
401	Community based services for Mental Health	5,627,812
430	Hawaii State Hospital	2,272,592
495	General Support for Mental Health	-0-

SUMMARY OF ESTIMATED IMPACT OF DEPARTMENT OF HEALTH PROGRAMS FOR HAWAIIANS

HTH	PROGRAM	IMPACT
501	Community based services for Developmental Disabilities for Mental Retardation	3,270,342
511	Waimano Training School and Hospital	2,624,938
601	Vector Control	465,363
611	Sanitation and Substance Control	602,918
621	Drinking Water Quality	247,249
701	Medical Facilities Standards, Inspections, Licensing	-0-
801	Health Care Services	4,779,438
901	Laboratory Services	578,257
902	Public Health Nurses	2,376,701
903	Records, Data Collection-Research	464,050
906	Comprehensive Health Planning	-0-
907	General Administration	318,777
908	Health Education	363,497
Sub 601	St. Francis Medical Center	62,100
Sub 601	Waianae Coast Comprehensive Health Center	381,780
Sub 601	Kahuku Hospital	90,385
Sub 601	Molokai Hospital	182,000
	TOTAL	$63,157,533

SUMMARY ESTIMATED IMPACT OF CAPITAL IMPROVEMENT PROGRAMS OF DEPARTMENT OF HEALTH FOR HAWAIIANS

HTH	PROGRAM	CIP	%	IMPACT
111	Hansen's Disease	$ 302,000	50%	$ 151,000
211-215	Hawaii County Hospitals	11,695,000	31%	3,625,450
223	Maui County Hospitals	575,000	26%	149,500
232	Kauai County Hospitals	298,000	23%	68,540
242	Honolulu County Hospitals	1,113,000	18%	200,340
401	Community based services for Mental Health	1,500,000	19.7%	295,500
430	Hawaii State Hospital	6,700,000	17.2%	1,152,400
511	Waianae Training School and Hospital	500,000	19%	95,000
901	Laboratory Services	440,100	20.7%	91,080
907	General Administration	824,000	31%	225,440
Sub 601	Waianae Coast Comprehensive Health Center	1,712,000	54%	924,480
			TOTAL	$6,978,730

SPEAKER DANIEL J. KIHANO
TESTIMONY TO JOINT FEDERAL COMMITTEE ON
THE HAWAIIAN HOMES COMMISSION ACT
AUGUST 7, 1988

Chairman Inouye, Chairman Udall, and members of the Senate Select Committee on Indian Affairs and House Interior and Insular Affairs Committee, good morning. It is a pleasure to have you visit our State, and we appreciate your initiative in looking into the very important issue of the fulfillment of the trust obligations to the native people of Hawaii.

I would like to take this opportunity to address two topics. First, the value of the Department of Hawaiian Home Lands program, and second, the policies and objectives of the Legislature, in particular the House of Representatives regarding the development of the Hawaiian Home Lands.

DJK 8496

The high cost of housing in Hawaii is one of the biggest problems facing all of our citizens. The House of Representatives of the State of Hawaii is committed to providing affordable housing for all the people of Hawaii. And the House vigorously supports the efforts of the Department of Hawaiian Home Lands to develop lands and provide loans for the creation of affordable housing for native Hawaiians. This effort is an integral part of a comprehensive State program to provide safe and decent housing for all the citizens of Hawaii.

In this regard, the House supports the efforts of the Department to increase the rate of homestead development. In 1988 the Legislature, at the insistence of the House, made a major shift in its policy toward support for the Department of Hawaiian Home Lands. Before that time, the Legislature had always required the Department of Hawaiian Home Lands to cover all of its operating expenses with funds generated through its programs, while the Legislature provided funds for capital improvements. Beginning with the 1988-1989 fiscal year budget, the

Legislature began appropriating money to cover much of the operating expense as well as the capital improvements expenses of the Department's work. In the budget for the current and future fiscal year, we appropriated general funds to cover all the operating expenses of the Department, as well as significant amounts for capital improvements. The revenues generated by the Department to be used by the Department were left to cover special revenue bonds the Department has been authorized to issue. This brings our policy toward the Department of Hawaiian Home Lands into line with the administrative funding policy toward all other State departments. In all my years in the House, this policy change is one of the accomplishments of which we can be proud of.

In addition, in 1987 the House of Representatives declared its intention to seek to provide native Hawaiian individuals and organizations the right to sue to resolve controversies relating to the native Hawaiian public trusts. This effort resulted in an arrangement by the State Administration to establish a framework to allow such suits against the State of Hawaii.

One difficulty facing the Department of Hawaiian Home Lands in their efforts to develop homesteads for Native Hawaiians is the rough and barren nature of much of the land which was set aside in trust for this purpose. To address this problem, in the 1989 Legislative Session the House proposed to have the State administration identify public lands which would be more suitable for homesteading which could be exchanged for lands currently controlled by the Hawaiian Homes Commission which are not as well suited for homesteading. However, this bill failed.

Finally, the Legislature has in recent years significantly increased the amount of capital improvement funding provided to the Department of Hawaiian Home Lands for the development of roads, water and sewer lines, and other forms of infrastructure needed to permit construction of homes on the Hawaiian Home Lands.

In closing, the House views the Department of Hawaiian Home Lands programs as an important component of the State's efforts to address housing difficulties, and has supported an increase in the level of state as well as federal resources provided to the Department to accomplish its goals.

RICHARD S. H. WONG
PRESIDENT

JAMES AKI
VICE-PRESIDENT

GERALD T. HAGINO
MAJORITY LEADER

ANTHONY CHANG
DONNA IKEDA
ELOISE YAMASHITA TUNGPALAN
ASSISTANT MAJORITY LEADERS

RUSSELL BLAIR
MAJORITY FLOOR LEADER

LEHUA FERNANDES SALLING
DENNIS NAKASATO
ASSISTANT MAJORITY FLOOR LEADERS

ANN KOBAYASHI
MAJORITY POLICY LEADER

BERTRAND KOBAYASHI
MIKE McCARTNEY
MALAMA SOLOMON
ASSISTANT MAJORITY POLICY LEADERS

MARY GEORGE
MINORITY LEADER

RICK REED
MINORITY FLOOR LEADER

FIRST DISTRICT
ANDREW LEVIN

SECOND DISTRICT
RICHARD M. MATSUURA

THIRD DISTRICT
MALAMA SOLOMON

FOURTH DISTRICT
MAMORU YAMASAKI

FIFTH DISTRICT
RICK REED

SIXTH DISTRICT
RON MENOR

SEVENTH DISTRICT
GERALD T. HAGINO

EIGHTH DISTRICT
MIKE McCARTNEY

NINTH DISTRICT
STANLEY T. KOKI

TENTH DISTRICT
MARY GEORGE

ELEVENTH DISTRICT
DONNA R. IKEDA

TWELFTH DISTRICT
STEVE COBB

THIRTEENTH DISTRICT
BERTRAND KOBAYASHI

FOURTEENTH DISTRICT
ANN KOBAYASHI

FIFTEENTH DISTRICT
MARY-JANE McMURDO

SIXTEENTH DISTRICT
RUSSELL BLAIR

SEVENTEENTH DISTRICT
ANTHONY K. U. CHANG

EIGHTEENTH DISTRICT
MILTON HOLT

NINETEENTH DISTRICT
DENNIS M. NAKASATO

TWENTIETH DISTRICT
RICHARD S. H. WONG

TWENTY-FIRST DISTRICT
NORMAN MIZUGUCHI

TWENTY-SECOND DISTRICT
ELOISE YAMASHITA TUNGPALAN

TWENTY-THIRD DISTRICT
MIKE CROZIER

TWENTY-FOURTH DISTRICT
JAMES AKI

TWENTY-FIFTH DISTRICT
LEHUA FERNANDES SALLING

CHIEF CLERK
T. DAVID WOO, JR.

The Senate
The Fifteenth Legislature
of the
State of Hawaii

STATE CAPITOL
HONOLULU, HAWAII 96813

Testimony of State Senator Mike Crozier

submitted to the

Senate Select Committee on Indian Affairs
House Committee on Interior and Insular Affairs

Monday, August 7, 1989
9:00 am
State Capitol Auditorium

Dear Senator Inouye and members of the Joint Committee:

Thank you very much for this opportunity to share my views regarding Hawaiian Home Lands and related issues.

My name is Mike Crozier, and I am a member of the Hawaii State Senate and Chairman of the Housing and Hawaiian Programs Committee. This Committee is responsible for reviewing all matters relating to the Hawaiian Homes Commission (HHC), the Department of Hawaiian Home Lands (DHHL), the Office of Hawaiian Affairs (OHA), housing, and urban development.

Today I would like to address several personal concerns regarding the administration of the HHCA: 1) the State and Federal governments' responsibility to the program; 2) governance; and 3) recommendations for improving the implementation of the HHCA.

It has been 68 years since the HHCA was enacted, and it has taken as long for the Federal government to initiate action for evaluation and improvement of the Act. The people of Hawaii have waited a long time for an opportunity to express their concerns regarding this issue. With the announcement of your arrival, discussion of concerns and expectation and hope for assistance from the Federal government has risen considerably among the Hawaiian community and the general population of the State. It is my desire to make this issue a priority on my legislative agenda, to improve the services and benefits to the Hawaiian people by introducing appropriate legislation or taking necessary action to address concerns expressed throughout the week. It is important to realize that these problems will not disappear, and need to be dealt with on a continuing basis. The administration and elected officials may change; therefore, a commitment is needed in the form of legislation or administrative rule to make this important issue a top priority in all levels of government.

By way of background, the State Legislature in recent years, has approved several measures demonstrating its continuing commitment to protect and further the interests of native Hawaiians within the context of the public land trust. For example, the 1989 Legislature passed, and the Governor signed into law, Acts 28 and 283 which make significant amendments to the Hawaiian Homes Commission Act. Act 28 repeals the $50,000 ceiling on the DHHL loans for home construction and establishes the maximum loan amount to be half the maximum single residence loan amount allowed in Hawaii by the U.S. Department of Housing and Urban Development (HUD) for its FHA-insured loan program. Currently, HUD's maximum loan amount is approximately $152,000, resulting in a cap of $76,000 on DHHL home construction loans.

Act 283 allows the DHHL to develop available trust lands for residential purposes and provides for the construction, improvement, alteration or repair of public facilities (including streets, storm drainage systems, water systems, sewerage systems, and utility lines), the servicing of improvements on the lands, sites for schools, parks, off-street parking, and other community facilities. This Act also authorizes the Department to develop available lands for homestead, commercial, and multipurpose projects, and to issue revenue bonds to finance these developments.

Of special significance in the continuing effort to maximize the provision of benefits to eligible recipients are a number of measures which made major changes in the financial picture of the DHHL. In the past, revenues from non-homestead uses of Hawaiian Home Lands were allocated first to meet the costs of running the Department, then to the cost of homestead development. As a result of legislative action, operating costs of the Department are now being financed from State general fund monies, with $6.3 million appropriated for fiscal biennium 1989-1991. The Legislature also recently authorized the Department to use revenues generated from the land trust to issue up to $43 million in revenue bonds for infrastructure and capital improvement projects. Since 1987, the Legislature has authorized over $80 million in resources for infrastructure costs and site improvements. The net result, of course, is a significant increase in funds which may be used to benefit Hawaiians directly, not only through the provision of homesteads and related services, but through the creative development of trust resources as well.

In 1921, when Hawaiian Home Lands were designated as such, much of the land was located in desolate, remote areas. That the perception of these lands as undesirable for "homestead use" has persisted to the present indicates the need to educate beneficiaries as to what the term "Hawaiian Homestead" means in the light of present day reality. During the past 68 years, much of the areas surrounding the trust lands have been developed into growing residential communities and prosperous commercial areas. Many of the parcels once thought to be undesirable are now located in strategic areas of the State with great potential for future growth. For example, several thousand acres on the island of Maui between Ulupalakua Ranch and Kihei, are commonly known as the "Kula Lands." Kula is a growing community in its own right, but is located near the top of Haleakala, at an elevation of about 6,000 feet. The term "Kula Lands" connotes an area high up on a mountaintop, far from any major economic base on the island. These "Kula Lands" might be more appropriately referred to as the

"Kihei-Mauka Lands", which would better describe the development of the parcel from Kihei first, then upwards toward Kula. Kihei is located at sea level, is easily accessible, and has a prosperous visitor industry, broad economic base, and a growing resident population. By simply changing the frame of reference, this large area of land can be seen as a natural extension of Kihei which could attract interested lessees who might otherwise be concerned about living in "remote" areas of the island. Another example is the land in Kawaihae on the Big Island which was once considered uninhabitable, barren, desolate land. Today it is an area of industrial and commercial development, booming from the nearby Waikoloa resort development. The job opportunities are available, and the lands are near the economic base. If the Federal government provided resources to help develop these lands, there would be an uplifting effect on two major areas of national concern: housing and job opportunities, which translate into the enhancement of the quality of life for recipients. In short, it is important not only to look at the areas surrounding the Hawaiian Home Land parcels, realize the growth potential and strategic location of these lands, and develop them accordingly, but also to make potential beneficiaries aware of the range of alternatives available to them. This can be accomplished through the dissemination of information and community outreach.

One area in which the need to disseminate information is especially apparent is that involving available financing for housing. Many native Hawaiians who apply and are offered awards for homestead land find that they must decline the awards because they do not meet the financial criteria for mortgage loans. The Federal government, however, through its Federal Housing Administration (FHA) program, offers assistance to native Hawaiians with its Single Family Mortgage Insurance Program. Since August of 1987, this program has provided insurance on single family mortgages for homes built on Hawaiian Home Lands. This program obviously offers Hawaiians a greater opportunity to secure a mortgage loan from a lending institution. Although the Federal government and the Department of Hawaiian Home Lands have made attempts to educate the community about the program, only 33 loans have been approved and 39 are presently being processed. Clearly, additional action must be taken to encourage more participation in this important program.

Other federal housing assistance programs are currently being implemented by the Department of Housing and Urban Development (HUD) and could help the housing crisis, but do not provide exemptions for native Hawaiians.

One program is the Low Income Public Housing Program which provides federal funds to construct low income rental housing units, with improvements subsidized by the Federal government. Another is the Section 202 Program, which provides direct grants from the Federal government for construction of special needs housing, including housing for the handicapped, elderly, and developmentally disabled. This program also provides financial assistance to eligible renters. Block grants which provide federal funding for infrastructure and construction of housing units are also available.

In order to earmark any funds from these types of programs, however, a federal exemption similar to those afforded native Americans may be required in order for native Hawaiians to qualify for many of the Federal government's programs.

In addition to concerns relating to the Federal and State governments' responsibility for providing resources to ensure the expeditious distribution of lands to the Hawaiian people, I am deeply concerned about the issue of governance.

In reviewing the history of the Hawaiian Homes Commission Act since its approved in 1921, it becomes apparent that the Commission began as an entity with little or no responsibility and authority to one that is governed by Hawaiian people with control over the majority of the Hawaiian Home Lands. During the period from the enactment of the Act in 1921 until statehood in 1959, 90 percent of the Hawaiian Home Lands were under the control of the Territorial government's Commission of Public Lands while only 10 percent were under the jurisdiction of the Hawaiian Homes Commission. In fact, during this period of Territorial government control, Territorial Governor Wallace Rider Farrington sat as chair of the Hawaiian Homes Commission, thereby increasing the government's control over the lands. When Hawaii became a State in 1959, the Hawaiian Homes Commission Act became a provision of the State Constitution and title to

Hawaiian Home Lands was transferred to the State under the administration of the DHHL. The Hawaiian Homes Commissioners were accordingly given greater responsibility in the administration of the trust lands and have proven to be a dedicated group in people committed to furthering the opportunities of native Hawaiians. An example of the commitment of these Commissioners was apparent during a heated confrontation with Governor George Ariyoshi in 1978, when members of the Commission, being forced to change their decision on an mortgage foreclosure action, threatened to submit resignations en mass to prove that they were not just a rubber stamp of the Governor, but were committed to serving the best interests of all Hawaiians.

The 1978 Constitutional Convention (to which I was a delegate and member of the Hawaiian Affairs Committee) created the Office of Hawaiian Affairs (OHA) and its elected Board of Trustees to formulate policies and make decisions regarding the allocation of assets earmarked for, or belonging to, native Hawaiians. It was envisioned that OHA would one day be the receptacle and administrator of any funds, lands, and other resources to be held in trust for the benefit of the native Hawaiian people. A major source of funding is through the Admission Act 5(f) funds. Many of the delegates who help create OHA believed that some day the institution would be the recipient of Hawaiian reparations monies from the United States Government for the illegal overthrow of the the Hawaiian monarchy. In addition, OHA was envisioned as the body that would have full responsibilities to those functions having a direct bearing on the Hawaiian community, namely, giving OHA control of the Hawaiian Home Lands and control of the Section 5(f) ceded lands.

OHA is governed by a nine member Board of Trustees elected by the Hawaiian people. The election of a native Hawaiian Board of Trustees provides for direct participation by those affected by the Board's decisions and enhances representative governance and decision-making accountability. Such a practice is certainly in line with basic principles of a democratic society.

The constitutional amendments creating OHA were intended to be broad enough to include the administration and management of the native Hawaiian land trust created by the Hawaiian Homes Commission Act. The OHA Board of Trustees could -- and perhaps someday should -- assume the trust responsibilities of the Hawaiian Homes Commission as set forth in Section 202 of the Act. Section 202, then, would have to be amended in order to eliminate the present practice of appointing Hawaiian Homes Commissioners in favor of the elective model applicable to OHA provided for in the State Constitution.

Consolidating the administration of the native Hawaiian land trust under the control and management of a single board elected by the Hawaiian people would facilitate the attainment of the objective of the trust: to provide for the betterment of the conditions of native Hawaiians. Such a merger would avoid duplication and waste of administrative expenditures, and give the Hawaiian people control of the administration of Hawaiian Home Lands.

The Office of Hawaiian Affairs is steadily maturing as an institution, and continues to improve its services through communication with its constituents. It is now worthy of support by all governmental entities.

It is apparent that Sections 5 and 6 of the State Constitution, which establishes OHA are of utmost importance, as they provide for accountability, self-determination, methods of self-sufficiency through assets and a land base, and the unification of all native Hawaiian people.

No matter how the State has tried to improve the HHCA, it's work has been hampered by requirements of the Act mandating Congressional approval of any State amendments.

Although authority for the administration of the HHCA was transferred to the State in 1959, the Federal government maintains certain oversight responsibilities. Section 4 of the Admission Act and Article XII, Section 3 of the State constitution permit the State to amend HHCA provisions relating to administration and procedural issues without Congressional consent. However, certain amendments made by the State require Congressional approval before the amendments are effective. In addition, Section 4 also contains other provisions requiring Congressional approval: 1) changing the qualifications of lessees, 2) increasing certain encumbrances on Hawaiian Home Lands, and 3) decreasing benefits to lessees.

In the past, it took several years before Congress acted on any amendments to the HHCA made by the State Legislature. It appears that there is confusion regarding the procedure for obtaining said consent. It has come to my attention that the Department of the Interior has recently been advised that it may no longer be appropriate to require Congressional consent for amendments to the HHCA and that draft legislation to repeal this requirement will be submitted for introduction shortly. I strongly urge you to take immediate action on this matter.

Throughout my testimony, I have made several recommendations for improving the HHCA, summarized as follows:

1) Commitment of federal resources to develop homestead lands. The State has provided funds for construction and infrastructure and will continue to do so;
2) Education of the Hawaiian community and dissemination of information regarding the alternatives available to them in the areas of housing and land use opportunities;
3) Enactment of federal legislation enabling the Hawaiian Home Land recipients to qualify for federal housing assistance programs;
4) Looking into the possibility of the future transfer of authority of the DHHL to OHA;
5) Enactment of legislation to repeal the requirement of Congressional consent for HHCA amendments made by the State Legislature; and

6) Establishment of a mandate to ensure that issues relating to the Hawaiian Home Lands remain a priority of the Federal and State governments.

The issue of Hawaiian rights and the distribution of public trust lands is very complicated and deserves thorough review and analysis before any major reforms are made. The State has demonstrated its commitment to making this program work, but cannot succeed without the commitment of federal resources and support. I strongly urge the Federal government use these hearings to gather facts, ask questions, and work with the State to take positive steps in making necessary improvements. Earlier in my testimony I mentioned the Hawaiian community's hope for reparations from the U.S. government in the seventies. To this day, nothing has come to fruition regarding Hawaiian reparations. In all honesty, I fear the same thing will happen in the present case of Hawaiian Home Lands, and if not attended to, will create serious problems for everyone in the future.

I would like to make a comment that may ruffle your feathers but I feel it must be said early on so that each of you on the Committee realize the far-reaching impact that this series of hearings will have on the Hawaiian community and the general population of Hawaii. Much discussion has been generated and the level of expectation regarding the outcome of these hearings has risen proportionately.

We welcome you to join us in finding better alternatives and/or more streamlined methods in order to deliver more quality services to the Hawaiian people and to give the Hawaiians more latitude in determining their own destiny. However, as you continue to travel throughout the islands, you will realize that you have awakened the "sleeping giant" as many people are organizing demonstrations at the various hearing sites. When you leave Hawaii and go back to Washington, please understand that the issues you helped bring to the surface will not quietly disappear, but will become part of the political stew, and that if not attended to, could boil over and ruin the meal for all. In other words, "Stay the course."

Mike Crozier

MIKE CROZIER
State Senator
Chairman, Housing and Hawaiian
Programs Committee

JOHN WAIHEE
GOVERNOR
STATE OF HAWAII

ILIMA A. PIIANAIA
CHAIRMAN
HAWAIIAN HOMES COMMISSION

STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS
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HONOLULU, HAWAII [illegible]

OVERSIGHT HEARINGS ON THE HAWAIIAN HOMES COMMISSION ACT OF 1920 BEFORE THE U.S. SENATE SELECT COMMITTEE ON INDIAN AFFAIRS AND THE U.S. HOUSE COMMITTEE ON INTERIOR AND INSULAR AFFAIRS

TESTIMONY OF THE HAWAIIAN HOMES COMMISSION

Andrew Apana, Nani Brandt, Dennis Kauahi, Edison Keomaka,
Alvina Park, George Robertson, Walter Smith, Jr.

August 7, 1989

Ano'ai Senator Inouye and Members of the Committees:

I am Alvina Park, Commissioner and Nanakuli homesteader.

We are members of the Hawaiian Homes Commission appointed by the Governor of Hawai'i to set the policies that guide the work of the Department of Hawaiian Home Lands. As you know, the Hawaiian Homes Commission was created by the Hawaiian Homes Commission Act of 1920.

We aloha you today, for your deep concern and interest in the welfare of our native Hawaiian beneficiaries. We accepted the responsibility as commissioners because we love our people and we love our Hawai'i nei. We are comprised of a small body of volunteers who come from homesteads, successful businesses, union leadership, and social work. These experiences collectively provide us with a depth of expertise and training that is bound by a firm commitment to our people and the values of our unique heritage.

We are pleased that the Senate Select Committee has decided to see how they can assist native Hawaiians to achieve self-sufficiency. We want you to also know that as Hawaiians, ourselves, who share the same spirit of lahui, we are also part and parcel of the entire state community for we cherish our Hawaiian values of inclusiveness, of the extended ohana, bringing all together all who share our beloved islands. The evidence of this statement is obvious in our veins today, for in them lie a rich diversity of cultures and creeds made whole in the spirit of aloha i kekahi i kekahi, or profound love for one another.

We are sorry that the good members of the Senate Select Committee on Indian Affairs did not consult individually with us in any of the preliminary planning for these hearings. As policy makers, we were surprised at the exclusion because we mistakenly assumed that by your previous public statements, your staff's approach would be balanced.

We also want to emphasize Senator, that we do not commit breaches against our own people. While we are not afraid to listen to the many views Hawaiians express on their aspirations, dreams, and destinies, we listen to all sides of the issues and concerns and do not hesitate to make decisions on policies that we feel will best kokua to the general welfare of our beneficiaries. We make no apology for our leadership for we acknowledge our God of Aloha who gives us continued strength and courage to do the things that are pono or just.

Your publicly stated intention to create a separate sovereign entity may have already compromised the fairness of these hearings. We are not docile, Senator. Our record of our actions speak for themselves. We make every attempt to do the right thing just as we know that you do, too, in the exercise of your federal responsibilities. We do not, in any way, create a diminishment or reduction of services to our beneficiaries in any deliberate malevolent way and we are proud of our service to our community and the community at large.

The sovereign Kingdom of Hawai'i spanned an entire Hawaiian archipelago. Like our American nation, it too, was one nation, indivisible. It was not the scattered bits and pieces of reservations that our American Indian brothers and sisters currently enjoy. We were and continue to be, one people, brought together historically by the Great Paiea, Kamehameha the First, and in that same spirit of wholeness, we have preserved our lahui, despite the odds. Senator, even after the overthrow and down through the generations of other forms of local government we have affirmed our understanding of cultural pride, identity, and unity. Our kupuna repeatedly described this cultural kaona with these simple words: We know who we are!

Permit us now to share our mana'o, our vision for our people in the years to come. For we know in the words of our Prince Jonah Kuhio Kalanianaole, that we must look forward, taking from our extraordinary past, those enduring values that are essential in the shaping of our common futures. Like our courageous ancestors who crossed the Pacific at will with supreme confidence based on an intimate knowledge of islands and their seas handed down through generations of a thousand or more years in oral tradition, our children too, will man the space stations that explore the universe and find the cure for cancers; they will develop the complex technologies that will create further marvels of creativity and unparalleled imagination, embrace the Pacific in many new yet old ways, and affirm the values of an extended ohana. They will share our islands in global meaningful ways that ennoble all citizens, provide a continuum of excellent leadership steeped in both tradition and innovation, and excel in an unslaked thirst and pursuit of the new knowledge. They will write the new mo'o'olelo or literature of human interaction that will sustain our children during the next millenium.

And we will do these things Senator, in the context of what we all collectively decide for ourselves. We have seen our American Indian nations and they are not models to emulate. If we so choose, we will make our own model that is Hawaiian culturally based and we know that it will not exclude anyone. We have done this throughout our history since the great Pacific voyages. The witness of the past two centuries of a dynamic native Hawaiian social interaction has enriched us immeasurably. Our inclusiveness has created a superb example of a new humanity that is light years ahead of a troubled nation and world. In our Hawai'i today, Senator, we all sing the same songs. The simple act of going to a Cazimero brothers May Day program will validate the kaona of our statement.

In practical terms, Senator, we are pleased with Governor Waihe'e's administration and our Legislative unprecedented support. Your federal assistance in helping us to place every single native Hawaiian applicant on the land would be equivalent to the cost of one stealth bomber. This simple equation denotes the sad ethics and alien morality of these times. Small wonder that America's native minorities still wait patiently for a national understanding of what aloha i kekahi i kekahi means.

Despite the challenges, Senator, we look confidently toward our future. Our children are learning the multi-cultural ways. Our leaders embrace a constantly evolving emergence of a new Hawai'i with pride and skill. A greater number of our people are contributing to the vitality and life of our land with joy and generosity.

We know who we were. We know who we are. And we know who we will become. Hanau ka 'aina, hanau ke ali'i, hanau ke kanaka. The land, the chiefs, and the people, all belong, together.

TO: The Honorable Senator Daniel Inouye, Chairman

Members of the United States Senate Select Committee on Indian Affairs

United States House of Representatives Committee on Interior and Insular Affairs

Although I am unable to testify personally, I would like to submit this letter in support of the Department of Hawaiian Homes Lands.

I am Edison Keomaka, a native Hawaiian and a member of the Hawaiian Homes Commission, nominated and appointed in July of 1988 by Governor John Waihee.

Before I proceed with my testimony in support of the Department of Hawaiian Home Lands, an Agency of the State of Hawaii, allow me to give you a brief background on the compositjon of the Commission. This introduction may be helpful in giving you and the Committee an insight as to why we are supportive of the Department of Hawaiian Home Lands.

The Commission is composed of eight (8) members, three (3) are residents of Honolulu, one (1) is a resident of the County of Hawaii, one (1) is a resident of Maui, one (1) is a resident of Molokai and one (1) is a resident of Kauai, and the eighth member is the chairperson. Seven (7) of the Commissioners are appointees of Governor John Waihee. I am proud to say, that all of the members are of Hawaiian descendant.

With the Governor, John Waihee and the Director of the Department of Hawaiian Home Lands, Ilima Piianaia, ours is a joint commitment of serving the Native Hawaiians as defined under Title 2. of the Hawaiian Homes Commission Act of 1920.

Many things will be said and much more will be written about the Department of Hawaiian Home Lands and you will probably become acquainted with all of them. I do not believe we need to dwell on them, but we do need to give them our attention if for nothing else but to understand the experiences that they have been through. Someone once said, Life can be understood by looking backwards, but it can only be lived by looking forward. I hope, the wisdom of that thought holds true for us.

It is not our intent to hide or be stopped by those few individuals who stand on the side and criticize and cast stones, for we have set our goals to meet the needs of our people--the Native Hawaiians. As a team working together we have set our number one priority, and that's to move in one direction, which is vertically up.

Like yourselves, we are servants of the people. We know that we are faced with a difficult job. We understand that there are many obstacles that need to be handled or must be removed if we are to achieve our goals. We are committed to doing that. Governor John Waihee, in his Inauguration Address, couldn't have made it more clear when he said, "This is a New Beginning"; for the Commissioners and many Native Hawaiians, this is a new beginning.

In fairness, we ask, do not judge us by our predecessors' records, but judge us by our accomplishments. A dream is just a dream until it becomes a reality. We will strive to make their (Native Hawaiians) dream come true.

THANK YOU FOR THE OPPORTUNITY TO TESTIFY.

To: The Honorable Senator Daniel Inouye, Chairman

Members of the United States Senate Select Committee on Indian Affairs

United States House of Representatives Committee on Interior and Insular Affairs

Senator Inouye and Members of the Committee, Aloha Kākou

My name is Dennis Kauahi and I come before you today as a native Hawaiian and as a member of the Hawaiian Homes Commission to testify in support of the Department of Hawaiian Homelands Program. I am most honored and committed to the service of my fellow native Hawaiians. It fits well with both my personal and professional beliefs and goals.

Briefly, my background includes twenty years of providing direct social services and the administration of social service programs to children and families of Hawaiian ancestry who reside in predominantly Hawaiian Homestead communities. In working and interacting with Hawaiian families, you cannot help but come to know and understand the struggles they face daily.. Struggles that are so often antiseptically portrayed in the reams and volumes of statistics and studies done on the condition of the native Hawaiian in terms of health, education and lack of housing etc. We all know about these statistics and often to easily accept it as face value. These statistics represent people,some of who are our friends and families. What isn't so apparent to most is that despite these "statistics" the Hawaiian families have endured and in the process they have not lost their identity.

It is this capacity that enabled our native Hawaiians to endure and deal with the issues arising out of the administration of the Hawaiian Home Act of 1920 for the past 60 plus years. Issues and concerns I'm sure this committee will hear of throughout these hearings.

There are many old hurts existing amongst us Hawaiians that need to be acknowledged. It is our struggles and our responsibility to face and deal with the hurts of the past in regards to the Hawaiian Homes Program. We must and will do it in our own way with the spirit of 'oia'i'o ame ka ho'oponopono, through truthfulness,sincerity and with a sense of setting things right. By adhering to this cultural concept we can continue to forge ahead to meet our goals.

It has been said that the system has worked against the Hawaiian people for many years and it is time to turn the system around and make it work for us. I believe that time is here.

Not to take away from the progress achieved thus far, we have at present, a system that is responsive to the housing needs of our native Hawaiians. Governor John Waihe'e and our state legislature have provided significant amount of monies for infrastructure and operating cost for the Department of Hawaiian Homelands. Together with the Hawaiian Homes Commission, the Director of the Department of Hawaiian Homelands and staff we are committed towards working with and meeting the needs of our native Hawaiians. We will continue to do so to the best of our abilities with the resources at hand.

We invite you Senator Inouye and members of the committee to join us in this commitment and endeavor to better the conditions of the native Hawaiian.

Mahalo nui loa for this opportunity to testify.

(10) CR

JOHN WAIHEE
GOVERNOR
STATE OF HAWAII

ILIMA A. PIIANAIA
CHAIRMAN
HAWAIIAN HOMES COMMISSION

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TESTIMONY OF ILIMA A. PIIANAIA
CHAIRMAN
HAWAIIAN HOMES COMMISSION
and
DIRECTOR
DEPARTMENT OF HAWAIIAN HOME LANDS

August 7, 1989

Mr. Chairman and Members of the Committees:

We have prepared for you an overview of Hawaiian Home Lands, its history, funding, lands, and programs. This report is divided into two sections. The first dealing with activities prior to statehood and the second with those activities which have occurred since statehood.

Thank you for this opportunity to testify.

HAWAIIAN HOME LANDS PROGRAM
AN OVERVIEW

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I. HISTORICAL OVERVIEW 1921-1959

The Hawaiian Homes Commission Act, 1920, enacted by the United State Congress in 1921 and later adopted as part of the State under the Hawaii Constitution, represents an attempt to rehabilitate the native Hawaiian people through a government sponsored homesteading program.

A. Basis for the Act

During the early years of the 1900s, widespread concern for the plight of the Hawaiian people began to emerge. Many Hawaiians had moved to urban areas and experienced serious disruption to their lives. They were without a means of making a living and did not have decent shelter.

A number of Hawaiian associations were formally intending to help the less fortunate members of their race and to instill in them a new racial consciousness and pride. The Hawaiian Protective Association and the Hawaiian Civic Club functioned as centers of discussion on the issue of "rehabilitation" of the Hawaiian race.

With the opening of the 10th Territorial Legislature in 1919, Senator John Wise became the first Hawaiian to propose any formal legislative action on the rehabilitation question. Senate Concurrent Resolution 2, introduced by Wise, requested that "suitable portions of the public lands of the Territory of Hawaii" be set aside for use by Hawaiian lessees. This resolution, as well as several resolutions requesting certain changes in the public land laws of the Territory were passed by the legislature and forwarded to Washington, D. C., for congressional action. Prince Kuhio, Hawaii's Delegate to Congress, worked closely with the territorial legislative delegation in Washington to assure passage of the resolutions.

Senator Wise was one of the four-member territorial legislative delegation sent to Washington. The other members felt that the proposed amendments to the public land laws should be given priority in their lobbying efforts, while Wise was most concerned with the rehabilitation resolution. His testimony before the House Committee on Territories at the second session of the 66th Congress in early 1920 successfully focused the committee's attention on Hawaiian rehabilitation rather than on the issue of public land disposition.

As originally conceived, the proposals for Hawaiian rehabilitation and for public land law amendments were contradictory.

The major resolution relating to land law amendments proposed that public lands in sugarcane cultivation be withdrawn from the general homestead laws of the Territory and be leased to the highest bidder at public auction. These lands were under leases that were to expire between 1917 and 1921. This would have meant the retention of the best agricultural lands in the hands of the sugar interests. The original Hawaiian rehabilitation proposal, however, would have made these lands available for homesteading.

A political compromise was worked out between the sponsors of the rehabilitation measure and the sugar interests supporting the public land law amendments. The two proposals were made interdependent by earmarking 30 percent of the revenue derived from leasing of the cane lands as the major source of income for the rehabilitation program. All acreage cultivated for sugar or held under special leases were excluded from the lands to be made available for homesteading by Hawaiians.

The Hawaiian homesteading proposal was substantially weakened by the exclusion of some of the best agricultural lands of the Territory. The quality, characteristics, and location of the lands remaining is one factor which has severely handicapped achieving the program's stated purpose.

Congress saw two major factors which prompted passage of the Hawaiian Homes Commission Act. First, the Hawaiians were a dying race. Population charts made part of the congressional report showed that the number of full-blooded Hawaiians in the Territory had decreased since an 1826 estimate of 142,650 to 22,600 in 1919. Second, Congress saw that all previous systems of land distribution were totally ineffective when judged practically by the benefits accruing to the Hawaiians from the operation of such systems.

The Committee on the Territories found that:

> [S]ince the institution of private ownership of lands in Hawaii, the native Hawaiian, outside of the King and chiefs, were granted and have held but a very small portion of the lands of the Islands. Under the Homestead laws somewhat more than a majority of the lands were homestead to Hawaiians, but a great many of these lands have been lost through improvidence and inability to finance farming operations. Most frequently, however, the native Hawaiian, with no thought of the future, has obtained the land for a nominal sum, only to turn about and sell it to wealthy

> interests for a sum more nearly approaching its real value...In the end, the speculators are the real beneficiaries of the homestead laws.

H.R. Rep. No. 839, 66th Cong., 2d Sess. 1 at 6 (1920).

B. Passage of the Act - July 9, 1921

In view of the foregoing conditions, the Committee on Territories, in recommending passage for the measure, stated:

> [Y]our committee believes it necessary to provide another and different method of homesteading in the Territory of Hawaii, as a basis for the solution of the problem confronting it. Your committee is, however, of the opinion that (1) the Hawaiian must be placed upon the land to insure his rehabilitation; (2) alienation of such land must, not only in the immediate future but also for many years to come be made impossible; (3) accessible water in adequate amounts must be provided for all tracts; and (4) the Hawaiian must be financially aided until his farming operations are well under way.

H.R. Rep. No. 839, 66th Cong., 2d Sess. 1 at 7 (1920).

Congress enacted and the President signed into law the Hawaiian Homes Commission Act, 1920, on July 9, 1921, (42 Stat. 108), hereinafter called the "Act". The Act set aside approximately 203,500 acres of public lands: 9,000 acres on Oahu; 31,000 acres on Maui; 33,700 acres on Molokai; 107,300 acres on Hawaii; and 22,500 acres on Kauai. (See Chart I.)

These lands were to be known as "Hawaiian home lands" and placed under control of a commission known as the Hawaiian Homes Commission. The Commission was to be composed of five members, including the governor who was to be the chairman, and four members appointed by the governor, three of whom were to be native Hawaiians.

C. Probationary Program Status - July 9, 1921 thru March 6, 1928

Originally, section 204(1) of the original Act contained a proviso which limited the usage of Hawaiian home lands for settlement by native Hawaiians in two respects. First, it placed the program on a five-year probationary period. And second, it limited the areas the commission could settle to two islands, Molokai and Hawaii. Section 204(1) provided in pertinent part that:

> (1) For a period of five years after the first meeting of the Hawaiian Homes Commission only those lands situated on the island of Molokai...Waimanu, in the district of Hamakua; Keaukaha, in the district of South Hilo; and Panaewa, Waiakea in the district of South Hilo, island of Hawaii, shall be available for use and disposition by said commission under the provisions of this title and none of the remaining available lands...shall, after the expiration of the said five-year period, be leased, used, or otherwise disposed of by the commission under the provisions of this title, except by further authorization of Congress and with the written approval of the Secretary of the Interior of the United States.

Thus, for the initial five-year probationary period and until extended by Congress, only the lands on Molokai and lands at Waimanu, Keaukaha, and Panaewa on the island of Hawaii were available to the Commission for homesteading purposes under the Act. (See Chart II.)

The Commission was authorized to lease to native Hawaiians lands within the following acreage limits:

1) Agricultural lands	20-80	acres
2) First-class pastoral	100-500	acres
3) Second-class pastoral	250-1000	acres

Each homestead lease was subject to the following conditions:

(1) The lessee must be a native Hawaiian, defined as "any descendant of not less than one-half part of the blood of the races inhabiting the Hawaiian Islands previous to 1778."

(2) The lease is for a term of ninety-nine years at $1 per year.

(3) The lessee must occupy and use or cultivate the tract within one year after the lease is made.

(4) The lessee must thereafter, for at least such part of each year as the Commission prescribes, occupy and use or cultivate the tract on his own behalf.

(5) The lessee cannot in any manner transfer to, or mortgage, pledge, or otherwise hold for the benefit of, any other person, his interest in the tract except a native Hawaiian, and then only upon the approval of the Commission.

(6) The lessee was required to pay all taxes assessed upon the tract, and improvements thereon except that the lessee was exempt from all taxes for the first five years from date of lease.

Any Hawaiian home lands not leased to native Hawaiians under section 207 of the Act were to be kept in use under temporary leases by the Commissioner of Public Lands.

In order that native Hawaiians could begin and stabilize their farming operations for the first few years and to provide for the expenditures of the Commission for the administration and acquisition of water rights, a Hawaiian Home Loan Fund was established with a ceiling of one million dollars. The primary source for this revolving fund was thirty percent of the rentals obtained from the leasing of the cultivated sugarcane lands and from water licenses, and the revenues from the leasing of the Hawaiian home lands returned to the Commissioner of Public lands.

The Commission was authorized to offer financial assistance to individual homesteaders through low interest loans for agricultural development and home construction as well as provide agricultural and other experts to aid the homesteaders in developing their farms or ranches.

Thus, the Act, as originally conceived and enacted, was intended for rural homesteading, i.e., for native Hawaiians to leave urban areas and return to the land to become subsistence or commercial farmers and ranchers.

By February 3, 1923, however, the Act was amended by Congress to permit residence lots of one-half acre or more with a loan limit of $1,000 for the construction of their homes. Since the 1920s, the demand of native Hawaiians for residential houselots has far exceeded the demand for agricultural or pastoral lots.

In July 1922, the first homesteader moved to Molokai's Kalanianaole Settlement in lower Kalamaula. A year after the 1923 amendment to include residential lots, residential homestead awards were made in Keaukaha on the island of Hawaii.

D. Permanent Program - March 7, 1928

After having made a thorough investigation of the homestead program on the islands of Molokai and Hawaii, the Territorial legislature found the program to be a success and in 1927 requested the Secretary of Interior and the Congress of the United States to extend the activities of the Hawaiian Homes

Commission under the Act to all of the other islands. By Act of March 7, 1928 (45 Stat. 246), the Act was amended to remove the five-year probationary provision and to increase the loan fund ceiling to two million dollars.

At the urging of the Territorial Legislature, Congress also included a provision that "the commission shall not lease, use, nor dispose of more than twenty thousand (20,000) acres of the area of Hawaiian home lands, for settlement by native Hawaiians, in any calendar five-year period." Sec. 204(3). Congressional reports reflect that this "new subsection was for the purpose of preventing too rapid development of the project in the absence of sufficient funds. To date about 4,000 acres have been homesteaded in the six-year period. The new subsection provides a limit of not more than 20,000 acres in any five-year period, or 4,000 acres per year if prorated, as it probably will be. This is about as fast as experience dictates; development can be undertaken with the funds at hand..." (See Chart II.)

Thus, in 1928, the provisions of the Act were made applicable to all Hawaiian home lands. The homesteading program was expanded to the remaining islands of Oahu (1930), Kauai (1955), and Maui (1964).

E. Land Base - The "Missing" Lands

In the administration of the Act, the Commission and its successor, the Department of Hawaiian Home Lands (DHHL), have long been aware of alleged mismanagment of lands resulting in a loss of Hawaiian home lands.

Some have attributed the loss of these lands to land exchanges. However, as a result of ten land exchanges, two made prior to statehood and eight made following statehood, the Hawaiian homes program has realized a net gain of 3,717 acres of additional Hawaiian home lands. (See Attachment I.)

Others have attributed the loss of lands to Congressional withdrawals. It is true that Congress withdrew 353 acres of Hawaiian home lands and restored them to their former status as public lands under the control of the Territorial Commissioner of Public Lands. However, Congress also placed 599 additional acres of public lands under the Hawaiian homes program. Congressional additions and withdrawals resulted in a net gain of 295 acres, with fifty of those acres being returned to the State in 1967 by way of a quitclaim deed from the United States pursuant to the terms of the original withdrawal. (See Attachment I.)

Clearly, neither land exchanges by the Commission nor withdrawals by the Congress can be said to have caused the loss of these lands.

A major cause for the alleged "missing" lands is the express exclusions contained in the Act. In section 203, Congress provided that:

> All public lands of the description and acreage as follows, excluding (a) all lands within any forest reservation, (b) all cultivated sugar-cane lands, and (c) all public lands held under a certificate of occupation, homestead lease, right of purchase lease, or special homestead agreement, are hereby designated, and hereafter referred to as "available lands":....

Additional exclusions relating to the lands of Waimanalo on the island of Oahu are provided in subsection (4) of section 203 of the Act which reads:

> (4) on the island of Oahu:....Waimanalo (four thousand acres, more or less), in the District of Koolaupoko, excepting therefrom the military reservation and the beach lands....

As a result of the exclusions of lands in forest reserve, thousands of acres were precluded from becoming Hawaiian home lands. One example is the lands of Nanakuli on the island of Oahu. (See Attachment I.) The Act designated 3,000 acres, more or less, as "available lands". The land division of Nanakuli contains approximately 3,455 acres, more or less. By Governor's Proclamation dated June 4, 1913, an area of 1,010 acres was set aside as the Nanakuli Forest Reserve. Thus, at the time of passage of the Act (July 9, 1921), without examining the applicability of other express exclusions, there was only 2,445 acres, more or less, which could be considered as "available lands". Other such examples are Lualualei on the island of Oahu and Anahola/Kamalomalo and Moloaa on the island of Kauai.

The exclusion of public lands under sugarcane cultivation explains loss of approximately 4,000 acres in the areas of Waimanalo and Lualualei on the island of Oahu, and Anahola-Kamalomalo on the island of Kauai.

Regarding the Lualualei lands, approximately 1,343 acres are presently under use by the federal government through illegal executive orders. These lands were set aside by Governor's Executive Order No. 382, dated January 21, 1930 and Executive Order No. 599, dated December 22, 1933, and are presently used by the U.S. Navy as part of a radio transmitting station as well as an ammunition depot. The State wrote to the Secretary of Interior seeking its assistance in obtaining the return of these lands or compensation therefore as well as compensation for its past use and occupancy. Not receiving the requested assistance, the State brought suit in Hawaii federal district court against the federal government and its department of the Navy seeking the return of said lands or compensation for its past and present use. The federal court ruled that under the Quiet Title Act it lacked jurisdiction over this matter based on a statute of limitations argument that suggested that there was never a time that a suit could be brought until the lands are no longer needed for national defense purposes and therefore dismissed the suit.

Lack of sufficient knowledge of the lands designated as available lands was another major factor. For example, the Act designates 5,000 acres of the lands of Kalaupapa, Molokai, as available lands. However, the entire land division of Kalaupapa consists of only 1,247 acres, all of which are included in the Hawaiian home lands inventory. There never were 5,000 acres in Kalaupapa, resulting in a loss of 3,753 acres. Another example is the lands of Kahikinui on the island of Maui. The Act designated 25,000 acres, more or less, as "available lands". However, the entire land division of Kahikinui only contains a gross area of approximately 23,064 acres. Excluding private lands, grants and possible Land Commission Awards, totalling approximately 254 acres, the net area which could possibly attain the status of Hawaiian home lands was 22,809 acres, realizing another loss of 2,191 acres. (See Attachment I.)

There are other such examples, but not of such large acreages, such as Nienie, Kamoku-Kapulena, and Pauahi, on the island of Hawaii.

The express exclusions of the Act and lack of knowledge of the lands were not the only means of realizing a loss of lands. Section 203(1) of the Act designated three areas on the island of Hawaii in which the Commission was required to select lands it desired for inclusion as "available lands". These areas were:

53,000 acres	Humuula Mauka, North Hilo
2,000 acres	Piihonua, South Hilo
2,000 acres	Kaohe-Makuu, Puna

Section 204(3) of the Act provided that:

> In case any land is to be selected by the commission out of a larger area of available lands, such land shall not assume the status of Hawaiian home lands until the commission, with the approval of

> Secretary of Interior, makes the selection and gives notice thereof to the commissioner of public lands. The commission shall give such notice within three years after the expiration of the five-year period referred to in paragraph (1) of this section. Any such notice given thereafter shall be deemed invalid and of no effect.

The Commission was given eight years from the date of its first meeting (September 20, 1921) within which to select the lands it desired. Any selection made thereafter was to be "deemed invalid and of no effect." In addition, section 205 of the Act provided that:

> Available lands shall be sold or leased only (1) in the manner and for the purposes set out in this title, or (2) as may be necessary to complete any valid agreement of sale or lease in effect at the time of the passage of this Act; except that such limitations shall not apply to the unselected portions of lands from which the commission has made a selection and given notice thereof, or failed so to select and give notice within the time limit, as provided in paragraph (3) of section 204 of this title.

On June 27, 1929, the Commission passed three resolutions relative to the island of Hawaii, selecting 49,100 acres of the lands of Humuula (Resolution No. 5), 2,000 acres of the lands of Piihonua (Resolution No. 6), and 2,000 acres of the lands of Kaohe-Makuu (Resolution No. 7). By selecting only 49,100 acres of the lands of Humuula, there was a loss of 3,900 acres which never became Hawaiian home lands. (See Attachment I.)

DHHL's current inventory of 187,419 acres, is the best estimate available of its lands, based on all available maps and other reliable evidence. A more accurate inventory would require resolution of all pending claims and preparation of up-to-date surveys of virtually every parcel of Hawaiian home lands.

F. Funding

1. Hawaiian Home Loan Fund - 1921

In order to provide for necessary loans to native Hawaiians so that their farming operations for the first few years may be stabilized and to provide for the expenditures of the Commission for the administration and acquisition of water rights, Congress established the Hawaiian home loan fund with a ceiling of one million dollars. Section 213 of the Act provided:

> There is hereby established in the treasury of the Territory a revolving fund, to be known as the "Hawaiian home loan fund." The entire receipts derived from any leasing of public lands under the provisions of section 212 of this title and 30 per centum of the Territorial receipts derived from the leasing of cultivated sugar-cane lands under any other provision of law or from water licenses shall be covered into the fund until the total amount of the moneys paid therein equals $1,000,000.

Congress provided only one fund, the Hawaiian home loan fund. The sources of the fund were 1) the entire receipts derived from any leasing of public lands under section 212 of the Act, 2) thirty percent of the territorial receipts from sugarcane leases, and 3) thirty percent of the territorial receipts from water licenses.

In January 1922, the Commission asked of the territorial Attorney General's office, among other things, "what are the lands, if any, from which the Commission has been entitled to the entire rental receipts?" In AG Opinion No. 1057, dated December 10, 1922, the Attorney General opined that the Commission was not entitled to any rental receipts. After analyzing the provisions of the Act and based on information received from the Commission, the Attorney General concluded that:

> [T]he only lands really returnable, and returned, to the Commissioner of Public Lands--under the resolution of September 20, 1921--were Lualualei, upper Waimea, Anahola and Kamalomalo. From these the "entire receipts"--mentioned in section 213 as being derived from lands returned to the Commissioner of Public Lands--amount to nothing, as these lands were, and are, not leased, according to the information given.

A review of the records of the Department of Land and Natural Resources revealed that on the island of Hawaii, some 99,100 acres of lands designated "available lands" under section 203 of the Act were under general leases with expiration dates of 1928 or 1929. However, since these lands were under general leases, pursuant to section 204(2), these lands could not assume the status of "Hawaiian home lands" until expiration of the leases or withdrawal from the operation of the leases. The Commission could return to the Commissioner of Public Lands only lands which had the status of "Hawaiian home lands" and over which it expressly had control. The Attorney General concluded that the Commission was not entitled to any "rental receipts" from "available lands" then under leases because they had not yet assumed the status of Hawaiian home lands. Additionally, since the Commission was not given express jurisdiction and control over those lands, the Commission could not return lands under general leases to the Commissioner of Public Lands pursuant to section 212 and therefore they were not entitled to the rental receipts provided under section 213.

Through its Chairman, Governor Wallace R. Farrington, requested the Attorney General to draw up amendments in order that the revenues from these "available lands" would be available for the Hawaiian home loan fund.

In February 1923, by Act of February 3, 1923 (42 Stat. 1222) Congress, being apprised of the opinion, amended section 213 to read:

> There is hereby established in the treasury of the Territory a revolving fund to be known as the "Hawaiian home loan fund." The entire receipts derived from any leasing of [public lands under the provisions of section 212 of this title] "available lands" defined in section 203, these receipts including proportionate shares of the receipts from the lands of Humuula Mauka, Piihonua, and Kaohe-Makuu, of which lands portions are yet to be selected and 30 per centum of the Territorial receipts derived from the leasing of cultivated sugar-cane lands under any other provision of law, or from water licenses, shall be covered into the fund until the [total] amount of moneys paid therein from those three sources alone shall equal $1,000,000. In addition to those moneys and the moneys covered into the revolving fund as installments paid by lessees upon loans made to the.... there shall be covered into the revolving fund all other moneys received by the Commission from any source whatsoever. [New material underscored. Bracketed material to be deleted.]

By this amendment, Congress made clear the Commission was to receive the "entire receipts" derived from the leasing of "available lands" including proportionate shares from the three areas yet to be selected by the Commission. It also added that all other moneys received by the Commission from "any other source" were to be deposited into the Hawaiian home loan fund. As amended, 1) the entire receipts derived from the leasing of "available lands", 2) thirty percent of territorial receipts derived from the leasing of sugarcane lands, and 3) thirty percent of territorial receipts derived from water licenses, were to be "covered" into the loan fund until the amount of moneys paid therein from those three sources alone equalled one million dollars. Any other moneys received by the Commission, from any other source, were also to be deposited into the fund, but were not to be counted toward the one million dollar ceiling. While the Commission was authorized to make loans from the fund to homestead lessees (section 214), it also was required to pay from the fund expenses incurred from its water and development projects (section 220) as well as salaries and other administrative expenses (section 222).

In March 1928, Congress increased the Hawaiian home loan fund ceiling from one million to two million dollars. Act of March 27, 1928, 45 Stat 105.

On February 18, 1929, the Executive Officer of the Commission asked of the Attorney General's office whether the revenue from "available lands" would continue to come into the fund of the Commission once the revolving fund had reached its ceiling of two million dollars. By AG Opinion No. 1527, the Commission was advised that receipts from the three sources would cease to go into the Hawaiian home loan fund once the two million dollars had been reached. The Attorney General advised that the moneys would then go to the Commissioner of Public Lands, or rather, the general treasury of the territory.

In its 1931 Regular Session biennial report to the Legislature, at page 28, the Commission listed the total receipts received for the years 1921 to June 1930 as follows:

Year	Water Licenses and Cane Land Rentals	Available Land Rentals
1921	$ 31,776.22	$ 2,087.15
1922	94,478.08	8,979.80
1923	91,079.90	25,462.50
1924	146,246.43	25,193.00
1925	131,780.24	25,595.40
1926	135,687.63	25,994.47
1927	124,104.33	27,162.04
1928	131,579.14	21,460.94
1929	134,815.29	67,810.43
1930	68,639.99	15,814.52
TOTAL	$1,090,187.25	$245,560.25

In that same 1931 report, the Commission reported that it received a total of $1,335,342.01 from the Land Department since July 9, 1921, and that during that same period expended, for permanent improvements such as development of water, pipe lines, building of roads, fences, buildings and the purchase of equipment and general expenses of the Commission, the sum of $803,487.25, and loaned out to homesteaders for the erection of their buildings, purchase of livestock and other assistance in the development of their tracts, the amount of $358,229.60, leaving a cash balance as of June 30, 1930, of $173,625.16.

During the fiscal year July 1, 1929, to June 30, 1930, the expense of the Commission amounted to $36,304.62. Income for the same period amounted to $27,950.70, realizing an operating deficit of $8,353.92.

In the Commission's 1935 report to the Legislature, at page 8, it reported that, since November 1933 revenues from the receipts from rental of available lands, thirty percent of sugarcane receipts, and thirty percent of receipts from water licenses ceased to come into the Hawaiian home loan fund because the ceiling of two million dollars had been reached. This message was repeated in its 1937 and 1939 reports to the Legislature. Not until 1941, by amendment to the Act, did the Commission receive moneys from any of these three sources. During the period 1933 to 1943, the Commission received no moneys from the rental of "available lands". Thus, during the period 1933 to 1941, the Commission had to carry out its activities solely with the remaining amount of the original $2,000,000 capital outlay as well as interest on loans, earnings on investments, and such other revenues it could generate, together with such funds the Territorial Legislature appropriated to the Commission for its purposes.

Not until July 1, 1943, pursuant to the rider provision attached to an amendment to the Act in November of 1941, would the Commission again receive the rental receipts derived from the leasing of "available lands".

By Act of July 10, 1937 (50 Stat. 497, Pub. No. 300), at the request of the Territorial Legislature following a two-year study and discussion of the Hawaiian homes project operating under existing law by the recently-reorganized Hawaiian Homes Commission, and a hold-over committee of the legislature, numerous amendments were made to the Act. Section 220 of the Act was amended to read:

> The Commission is hereby authorized directly to undertake and carry on general water and other development projects in respect to Hawaiian home lands, and to undertake other activities having to do with the economic and social welfare of the homesteaders. The Legislature of the Territory is authorized to appropriate out of the Treasury of the Territory such sums as it deems necessary to provide

> to the Commission with funds sufficient to execute such projects, to carry on its administration and maintenance activities, and to accumulate a revolving loan fund of $1,000,000. The Legislature is further authorized to issue bonds to the extent required to yield the amount of any sum so appropriated.

As amended, the Legislature was now authorized to appropriate from the general fund of the Territory such funds as necessary for the Commission to carry on its administrative and maintenance activities. Section 220 as amended now authorized the Commission to undertake and carry on activities having to do with the economic and social welfare of the homesteaders in addition to those activities already authorized. Section, 215 was also amended by reducing the interest rate the Commission could charge on its loans from five percent to three percent. Interest on loans was one of the sources of generating revenues for the Hawaiian home loan fund and continued to be, until June 14, 1948, when Congress again amended the Act to create a new revolving fund known as the operating fund, discussed later.

Perhaps, in anticipation of favorable action by Congress on its request for amendments to the Act, and because of the depletion of the loan fund for administrative and operating expenses as well as capital improvements, the Territorial Legislature appropriated a total of $242,000 from the general fund of the Territory for the operation and purposes of the Commission for the biennium July 1, 1937 to June 30, 1939. (Act 205, 1937 Haw. Sess. Laws 322, 339.) In 1939, the Territorial Legislature appropriated $188,398.96 from the general fund of the Territory for the administration and operating costs of the Commission as well as for permanent improvements, for the biennium July 1, 1939 to June 30, 1941. (Act 244, 1939 Haw. Sess. Laws 413, 425-426.) In 1941, an appropriation of $213,546 was made available to the Commission for administration expenses, equipment and capital outlay. (Act 273, 1941 Haw. Sess. Laws 435, 443.) However, a rider was attached to this appropriation and the sum of $63,500, earmarked for capital outlays, was frozen upon passage by Congress of certain amendments made to the Act on November 26, 1941, leaving only $150,046 available to the Commission for the biennium 1941 to 1943. The Territorial Legislature augmented this amount by appropriating an additional $21,689, to offset increase in salaries (Act 88, 1941 Haw. Sess. Laws 32).

In November, 1941, by Act of November 26, 1941 (55 Stat. 784, C. 544), Congress amended section 213 by establishing two additional funds, the Hawaiian home development fund and the Hawaiian home administration account. These funds will be discussed individually later. However, what is important regarding this amendment is that it restored the thirty percent territorial receipts derived from the leasing of sugarcane lands and water licenses to the Hawaiian home loan fund, and limited the use of the loan fund to loans to lessees, for interest and sinking fund charges upon bonds issued for Hawaiian homes purposes and for the payments provided for in section 209(1). The entire receipts derived from the leasing of "available lands" was now directed to be placed into the new Hawaiian home administration account. Also, of the Territorial receipts from sugarcane leases and water licenses, twenty-five percent of such annual amount deposited into the Hawaiian home loan fund was to be transferred to the development fund until the annual transfers equalled $400,000. As a result of these transfers, seventy-five percent of the Territorial receipts from sugarcane leases and water licenses, as well as all other moneys from any other source, were to be deposited into the loan fund. Congress, at the same time, added section 225 which permitted the Commission to invest its loan fund moneys, with the interest therefrom to go back into the loan fund as "moneys from other sources."

In 1948, by Act of June 14, 1948 (62 Stat. 390, C. 464), Congress created a new revolving fund, the Hawaiian home operating fund. Its source of funding was moneys received by the Commission from any other source. The sole source of funding of the Hawaiian home loan fund was now the thirty percent of Territorial receipts derived from the leasing of cultivated sugarcane lands and water licenses. As already noted, twenty-five percent of the amount was diverted to fund the development fund.

With the reduction of sources of funding came the reduction in use of the loan fund. Use of the moneys in the loan fund, since the 1948 amendment, was now limited to the making of loans to homestead lessees and the buy back payments under section 209 upon cancellation or surrender of leases.

The last amendment made to the loan fund by Congress was Pub. Law 482 (66 Stat 514, July 9, 1952). This amendment increased the amount to be deposited into the loan fund from $2,000,000 to $5,000,000 and the amount to be deposited into the development fund increased from $400,000 to $800,000. The original ceiling on transfers to the development fund of $400,000 was reached December 31, 1948. During this four-year lull (1948 to 1952), other funds or legislative appropriation had to be relied upon for homestead development.

Thus, what was at the inception of the Hawaiian homes program an all-purpose fund became in June 1948, as its name so appropriately implies, a revolving loan fund. The ceiling of

$5,000,000 established by Congress in 1952 for the transfers into the loan fund was reached in 1964.

2. Hawaiian Home Development Fund - 1941

The development fund was established in November 1941. From its formation until 1958, the sole source of its funding was twenty-five percent of the annual amount deposited into the Hawaiian home loan fund. The Commission in its 1949 biennial report to the Legislature reported that the $400,000 amount was reached on December 31, 1948. The 1951 biennial report to the Legislature, at page 21, reflected that as of December 31, 1950, there was a balance of $82,593.59 of the $400,000. During the prior years, $317,406.41 was used to finance share costs to develop Papakolea, Kewalo and Waimanalo on the island of Oahu. The 1953 biennial report, at page 9, reflected that the remainder was possibly spent for the improvements of the water system on Moloka'i.

By Pub. Law 482 (66 Stat. 514, 7/9/52), this ceiling was increased to $800,000. In its 1959 report to the Legislature, at page 11, the Commission reported that the average amount going into the development fund was about $54,000 per year, and that at the end of 1958, the aggregate amount credited to the fund was $758,743.91. It suggested that if the annual average did not deviate, in less than a year the $800,000 maximum for the fund would be attained.

In 1958, by Pub. Law 85-708 (72 Stat. 705, 8/21/58), Congress provided another source of funding. It provided that moneys in excess of the approved budget in the administration account were to be transferred into the development fund. No maximum was placed upon the amount the development fund could receive from this source. In 1961, by Act 183, the ceiling of $800,000 was removed. The Commission 1965 biennial report informed the Legislature that the legal limit of $5,000,000 in the loan fund had been reached in January 1964. The Commission reported that despite having reached the legal limit, the actual amount in this (the loan fund) fund was $3,750,000 because one-fourth (1/4) of all money which went into this fund had been siphoned off into another fund, namely, the Hawaiian home development fund. Thus, $1,250,000 of the original $5,000,000 went into this development fund for the purpose and uses enumerated therein.

The use of the moneys in the development fund was limited. With the prior written approval of the governor, the moneys in the development fund could be used for the construction of roads through and over Hawaiian home lands and for other non-revenue producing improvements.

3. The Hawaiian Home Administration Account - 1941 (7/1/43)

By Act of November 26, 1941 (55 Stat. 782, 785), Congress amended section 213 of the Act by establishing two special funds, the Hawaiian home-development fund and the Hawaiian home-administration account. Regarding the administration account, the amendment read:

> The entire receipts derived from the leasing of "available lands" defined in section 204 shall be deposited into the Hawaiian home-administration account. The moneys in said account shall be expended by the Commission for salaries and all other other administration expenses of the Commission, not including structures and other permanent improvements, subject, however, to the following conditions and requirements:
>
> (1) The Commission shall, at such time as the Governor may prescribe, but not later than November 15 preceding each biennial session of the legislature, submit to the territorial director of the bureau of the budget its budget estimates of expenditures for the next ensuing biennium in the manner and form and as required by territorial law of territorial departments and establishments.
>
> (2) The Commission's budget, if it meets with the approval of the Governor, shall be included in the Governor's budget report and shall be transmitted to the legislature for its approval. The total amount of the Commission's budget *shall in no event exceed $140,000* for the biennium.
>
> (3) Upon approval by the legislature of the Commission's budget estimate of expenditures for the ensuing biennium or if no action hereon is taken by the legislature prior to adjournment, the amount thereof shall be available to the Commission for said biennium and shall be expendable by the Commission for the expenses hereinabove provided; *any amount* in said account *in excess of the amount approved* by the legislature for the biennium *shall be transferred to the general fund of the treasury of the Territory*, such transfer to be made immediately after the amount of moneys deposited in said administration account shall equal the amount approved by the legislature.
>
> (4) The moneys in said administration account shall be expended by the Commission in accordance with Territorial laws, rules, and regulations and practices: *Provided, however,* That the receipts from the leasing of available lands as defined in section shall not be covered into said account until July 1, 1943:

> Provided further. That for the biennium commencing July 1, 1941, and ending June 30, 1943, the amount of money appropriated by the Territorial legislature for the Commission, whether or not in excess of $140,000, shall be deposited in said account and shall be expended as herein provided. (Underscoring added for emphasis.)

The sole source of funding the administration account was the "entire receipts derived from any leasing of the available lands." As to the use of these moneys, it expressly provided that the "moneys in said account shall be expended by the commission for salaries and all other administration expenses of the commission, not including structures and other permanent improvements." The expenditure of moneys from this fund was made subject to budgetary restrictions. Also, any amount of money in the account in excess of the approved budget was to be transferred to the general fund of the treasury. Further, the amendment provided that the receipts from the leasing of available lands would not be deposited into the administration account until July 1, 1943. For this interim period (1941-43), the Territorial Legislature appropriated moneys to be used and expended as provided therein.

As enacted, Congress provided that the Commission's budget shall in no event exceed the amount of $140,000 for the biennium. And, if in the event no budget was approved, then the rental from the "available lands" not in excess of $140,000 per biennium could be expended for administrative expenses.

In 1948, by Act of June 14, 1948, (62 Stat. 390, 392) Congress again amended section 213 of the Act. Regarding the administration account, Congress deleted the last sentence in condition (2) which read "The total amount of the Commission's budget shall in no event exceed the amount of $140,000 for the biennium." and amended condition (3) to provide that "if no action on the [Commission's] budget is taken by the legislature prior to adjournment, the amount submitted to the legislature, but not in excess of $200,000, shall be available for for such expenditures". By such amendment, the Commission was now free to submit such budget estimate as it deemed necessary without limit, which, if approved by the Governor and legislature, it could then expend. If no budget was approved, then the Commission could expend only $200,000 from the administration account for the biennium for salaries and other administrative expenses.

Finally, in 1958, by Act of August 21, 1958 (72 Stat. 705, P.L. 85-708), Congress amended the administration account to provide that the excess in the account over the approved budget be transferred to the Hawaiian-home development fund instead of the general fund of the treasury of the Territory.

With the 1958 amendment to section 213 of the Act, all of the revenues derived from the general leasing of "available lands" were now available to the Commission for carrying out the purposes of the Hawaiian homes program.

4. Hawaiian home operating fund - (1948)

In 1948, by Act of June 14, 1948 (62 Stat. 390, C. 464), Congress amended section 213 and established a new revolving fund called the Hawaiian home-operating fund. Its source of funding was "all moneys received by the Commission from any other source except moneys received from the Hawaiian home-administration account." Section 225 was also amended to provide that the interest or other earnings arising out of investments of the Hawaiian home-loan fund was to go to the Hawaiian home-operating fund instead of back to the Hawaiian home-loan fund. The moneys in the operating fund were to be used for revenue-producing improvements.

5. Concluding Remarks - Funding of the Hawaiian Homes Program during the Territorial period

Perhaps the best method of summarizing this period is to review extracts from Congressional reports. These reports provide some insight as to the problems of the Hawaiian Homes Commission during the Territorial period from the eyes of the lawmakers.

The Committee on Territories and Insular Affairs, to whom was referred H. R. 4795 which was enacted into law as Public Law 325 (Act of November 26, 1941, 55 Stat. 782, Chap. 544), in recommending passage of the measure, stated:

> The purpose of this bill is to make various changes in the Hawaiian Homes Commission Act of 1920, as shown by experience to be needed. The main provisions of the bill would restore the revolving fund from which loans are made to Hawaiian homesteaders to $2,000,000. At present a large part of the revolving fund has by necessity been used for nonrevolving expenditures. The additonal money will be obtained from Territorial revenues, and involves no expenditure of Federal funds. The passage of this legislation will enable the Hawaiian Homes Commission to continue and expand its program for the rehabilitation of the native Hawaiian people, now nearly at a standstill because of the lack of funds.

S. Rep. No. 822, 77th Cong., 1st Sess. 102 (1941).

The Committee on Public Lands to whom was referred H. R. 3680 which was enacted into law as Public Law 638 (Act of June 14, 1948, 62 Stat. 390, C. 464), in recommending passage of the measure, stated in part, as follows:

> The purpose of this bill is to amend certain sections of title 2 of the Hawaiian Homes Commission Act, 1920, as amended, in order to afford a more realistic administration of the act.
>
> Enactment of this legislation would not involve any appropriation of Federal funds. Primarily, it is intended to liberalize the granting of leases, create a Hawaiian home-operating fund to be used for revenue-producing improvements, increase the amount of loans that can be made to homesteaders, and simplify the procedure for repayments on loans.
>
> Under the Hawaiian Homes Commission Act of 1920, approximately 200,000 acres of land in the Territory were set aside for homesteading by people of Hawaiian ancestry. The administration of these lands has been vested in a body known as the Hawaiian Homes Commission. This Commission passes on all applications for homesteads and makes loans for improvements and homes from its revolving fund which has been built up from moneys derived from leases and from water licenses. This revolving fund now stands at almost $2,000,000, and contains no Federal funds.
>
> The administration of the Hawaiian Homes Commission Act by the Commission has proved most successful. However, its operations are strictly limited by the wording of the act, which can be changed only through initiation by the Territorial Legislature. Since the legislature holds biennial meetings, the Commission is handicapped by lack of elasticity in the wording of the act to meet changing economic and social conditions. This hardship is particularly severe in view of the fact that any changes authorized by the Territorial legislature have to be submitted to the Congress for approval, which further delays the Commission in putting new practices into effect. The enactment of H. R. 3680 would broaden the authority of the Commission and permit more flexible administration of the act.

H.R. Rep. No. 1674, 80th Cong., 2d Sess. 1 (1948). See also S. Rep. No. 1403, 80th Cong., 2 Sess. 1 (1948).

And the Committee on Interior and Insular Affairs, to whom was referred H. R. 7149 which was enacted into law as Public Law

85-708 (Act of Congress of August 21, 1958, 72 Stat. 705), in recommending passage of the measure, stated in part as follows:

> The purpose of H. R. 7149, introduced by Delegate Burns of Hawaii, is to provide for the periodic transfer to the Hawaiian home-development fund of certain excess funds in the Hawaiian home-administration account.
>
> The Hawaiian Homes Commission was created in 1920...to authorize a program for the development of homesteads and the construction of homes for persons of Polynesian blood. In conducting this program the Territorial Government of Hawaii has established two principal funds within the Territorial treasury. The Hawaiian home-loan fund provides moneys for construction or alteration of homes which are made available to qualified applicants on a reimbursable basis. The Hawaiian home-development fund provides funds for constructing community facilities such as roads and sewers, which are nonrevenue producing by their nature.
>
> Unfortunately there is insufficient money in the home-development fund to expedite the commission's overall program since roads and sewers must precede home construction. Enactment of H. R. 7149 would provide the development fund with an additional source of revenue, by diverting to it rentals received from the rental of Hawaiian Homes Commission "available lands," in excess of the amounts required for administrative expenses of the commission. Presently these revenues are deposited in the general fund of the Territorial treasury.
>
> The committee members feel that since the moneys involved are Territorial funds, they should be used in the manner desired by the Governor and Territorial legislature.
>
> The enactment of H. R. 7149 will involve no expenditure of Federal funds.

H.R. Rep. No. 1442, 85th Cong., 2d Sess. 1 (1958).

G. Administration of Hawaiian Home Lands during Territorial period - July 9, 1921 thru August 20, 1959

The purpose of the Act was to rehabilitate native Hawaiians by providing for them homesteads and home sites upon areas of government land throughout the Territory of Hawaii.

As passed, the Act in effect separated the operation of the homesteading plan into two periods, one an experimental period of five years (September 20, 1921 thru September 19, 1926), during which only certain specified lands on two of the islands were to be used for settlement.

Proving successful, the plan was extended. (Act of March 7, 1928, 45 Stat. 246, Public No. 105). In extending the plan to all areas, however, as previously noted, a new condition was imposed limiting the Commission's authority to homestead Hawaiian home lands. Section 204 was amended by deleting conditions (1) and (3), renumbering of condition (2) to (1), and by adding two new conditions which read:

> (2) Any available land, including land selected by the commission out of a larger area, as provided by this Act, as may not be immediately needed for the purposes of this Act, may be returned to the Commissioner of Public Lands and may be leased by him as provided in subdivision (d) of section 73 of the Hawaiian Organic Act; and lease of Hawaiian home lands hereafter entered into shall contain a withdrawal clause, and the lands so leased shall be withdrawn by the Commissioner of Public Lands, for the purposes of this title upon the commission giving five years' notice of such withdrawal;

At the same time, section 213 of the Act was also amended to increase the ceiling imposed on the Hawaiian home loan fund from one to two million dollars.

With these amendments were laid the basic framwork of the homesteading plan for the remaining Territorial period.

First, the moneys available to the Commission from the thirty percent Territorial receipts derived from the leasing of cultivated sugarcane lands and water licenses was limited by ceilings imposed thereon. Second, the Commission could use no more than twenty thousand acres in any calendar five-year period of the lands designated for settlement of native Hawaiians.

And third, the remainder of the lands were to be returned to the Commissioner of Public Lands to be disposed of pursuant to section 73(d) of the Hawaiian Organic Act. Section 73(d) of the Hawaiian Organic Act authorized the Commissioner of Public Lands to dispose of leases for terms not to exceed fifteen years to the highest bidder at public auction. It should be noted that under section 212 of the Act that:

> Any Hawaiian home lands so returned shall, until the commission gives notice as hereinafter in this section provided , resume and maintain the status of public lands in accordance with the provisions of the Hawaiian Organic Act and the Revised Laws of Hawaii of 1915 except that such lands may be disposed of under a general lease only.... (Emphasis supplied).

The revenues derived from the leasing of available lands were to be deposited into the Hawaiian home loan fund. Since July 1943, the rentals therefrom were deposited in the administration account. (Section 213)

Thus, from its inception, public lands identified as "available lands" under section 203 of the Act and which would assume the status of Hawaiian home lands as provided in section 204 of the Act, had two purposes; the primary purpose - homestead settlement for native Hawaiians; and the secondary purpose - generation of revenues to aid in carrying out the homesteading plan.

In the implementation of this dual purpose, Congress charged the Hawaiian Homes Commission with the responsibility of providing for the homestead settlement of native Hawaiians. On the other hand, the Territorial Commissioner of Public Lands was charged with the responsibility of generating revenue from the leasing of Hawaiian home lands returned to his jurisdiction and control. As can be gleaned from the foregoing, the major portion of the lands identified for the homesteading plan remained under the jurisdiction and control of the Territorial Commissioner of Public Lands. Hawaiian home lands covered under general leases issued by the Commissioner of Public Lands were subject to withdrawal for homesteading purposes provided appropriate notice was given. (See sections 204 and 212 of the Act.) Until notice was given and expiration of the notice period, the Commission had no jurisdiction or control over those lands.

The Commission's ability to deal with lands over which it retained jurisdiction and control was severely restricted. First, section 205 provided that available lands could only be sold or leased in the manner and for the purposes set out in the Act. Second, the Commission was only authorized, pursuant to section 207, to lease to native Hawaiians the right to use and occupancy of a tract of Hawaiian home lands within certain acreage limits or, pursuant to section 211, for a community pasture adjacent to each district in which agricultural lands were leased pursuant to section 207. Finally, the Commission was authorized directly to undertake and carry on general water and other development projects with respect to Hawaiian home lands. (Section 230)

Section 207 was the primary section authorizing the Commission to dispose of Hawaiian home lands during the Territorial period. As to the settlement of native Hawaiians under homestead leases, the Commission was authorized to issue leases to native Hawaiians for the following cases and within the following acreage limits:

USE	ACREAGE
Residence Lots	one half acre or more (added 1923)
Reduced size residence lots	not more than one acre (1937)
Agricultural Lot	not less than 20 nor more than 80 (1921)
Reduced	not less than 1 nor more than 40 (1937)
Irrigated Pastoral Lot	not less than 100 nor more than 500 (added 1954)
First class pastoral	not less than 100 nor more than 500 (1921)
Second class pastoral	not less than 250 nor more than 1,0000 (1921)

As to the ability of the Commission to issue licenses under section 207, the authority developed over a period of time:

- licenses to public utility companies or corporations as easements for railroad, telephone lines, electric power and light lines, gas mains and the like (added 1937)

- licenses to churches, hospitals, public schools, and stores (the latter to lessees in organizations formed and controlled by lessees) (added 1944)

- licenses to the United States for reservations, roads and other right-of-way, water storage and distribution facilities, and practice target ranges (added 1944)

- licenses to theaters, garages, service stations, markets, and other mercantile establishments (to lessees or organization formed and controlled by lessees) (added 1948)

- licenses for post office and other improvements for public purposes (added 1958)

The authority of the Commission to issue licenses to the Hawaii irrigation authority or other territorial or federal agency undertaking construction and operation of irrigation projects for irrigation project works and for the development and use of water appurtenant to Hawaiian home lands under section 220 of the Act was added in 1956. Concomitant with this amendment was the deletion of the authority of the commission to demand the use of government-owned water on the island of Molokai for irrigation purposes. (See Act of August 1, 1956, 70 Stat.915)

As to the authority of the commission to enter into land exchanges, such power was added in 1954 by amendments to section 204 and again in 1956 by an amendment to section 220.

Despite the lack of authority of the Commission to effectively manage the lands set aside for the Hawaiian homes program, the lack of sufficient funds for administrative and other operating expenses, for construction of permanent improvements such as roads, services and their infrastructure improvements, and 3) the lack of sufficient moneys to provide financial assistance to homestead lessees, by December 31, 1950. The Commission's 1951 Biennial Report to the Legislature reflect the following:

Much has been said about leases awarded, but little or no mention has been made with reference to the number of acres under lease to Hawaiian homesteaders. Areas granted to homesteaders range from 7500 sq. ft. in Honolulu to 250 acres of pasture on Molokai. Total acreage now under lease to some 1453 homesteaders on the three islands total 8,276.793 acres, the same having been awarded over a period of 23 years.

1199.399 acres were awarded to 313 lessees during the period 19498-1950, and 394.08 acres at Kalanianaole Homesteads were surrendered to the Commission for a net total owned of 805.319 acres. Further, it will be noted that the bulk of the awards were made on Molokai when 19 Kalanianaole homesteaders were granted subsistence lots at Kalamaula, and farm lots in the Moomomi area, total of 1074.167 acres being granted, with 394.08 acres at Kalanianaole being surrendered.

First awards were made in 1923 to homesteaders in the Kalanianaole Homesteads. Later during the 1924-29 period, homesteading was extended to Hoolehua and to Keaukaha and Waimanu on Hawaii. Grants totaling 5000.597 acres were awarded to 347 homesteaders, representing the largest awards made in any one 5 year period.

During the next 5 year period 1930-34, additional awards were made in the Hoolehua section where 24 homesteaders were awarded 22 farm lots totaling 844 acres and 2 pastoral lots totaling 500 acres. Homesteading was opened on Oahu during this period, with 232 leases covering 117.902 acres being developed and awarded.

Further study will reveal the fact that during the periods 1935-38 and 1939-43, growth was more on Oahu than on outside islands, 208 awards being made on Oahu as compared to 41 awards on the other two islands. From 1944 to 1950 awards have been made on all islands with the larger number being made on Oahu. A total of 359 awards were made on Oahu as compared to 218 on Molokai and Hawaii.

Of the total 8276.793 acres now under lease to Hawaiian homesteaders, 7532.641 acres have been leased to 275 homesteaders on the Island of Molokai; 468.473 acres leased to 379 homesteaders on Hawaii, and 275.679 acres to 799 homesteaders on Oahu.

Not until 1955-1956 was the Commission able to provide for homesteading on Kauai and 1964 for homesteading on Maui.

II. HISTORICAL OVERVIEW - 1959 TO PRESENT

A. STATEHOOD

With the advent of Statehood, a condition of admission and a compact between the United States and the State of Hawaii, the HHCA was adopted as a provision of the Hawaii Constitution. The Hawaiian home lands, title to which was granted to the State of Hawaii upon its admission, together with the income and proceeds therefrom, was required to be held in trust and to be used in the manner and for the purpose set forth in the Act. Congress provided that the use of any other object would constitute a breach of trust for which suit may be brought by the United States. Congress continues to have oversight over the Act and under the compact, certain amendments to the Act may be made only with the consent of Congress.

Following statehood, the Hawaiian Homes Commission, as it was then constituted, was abolished.

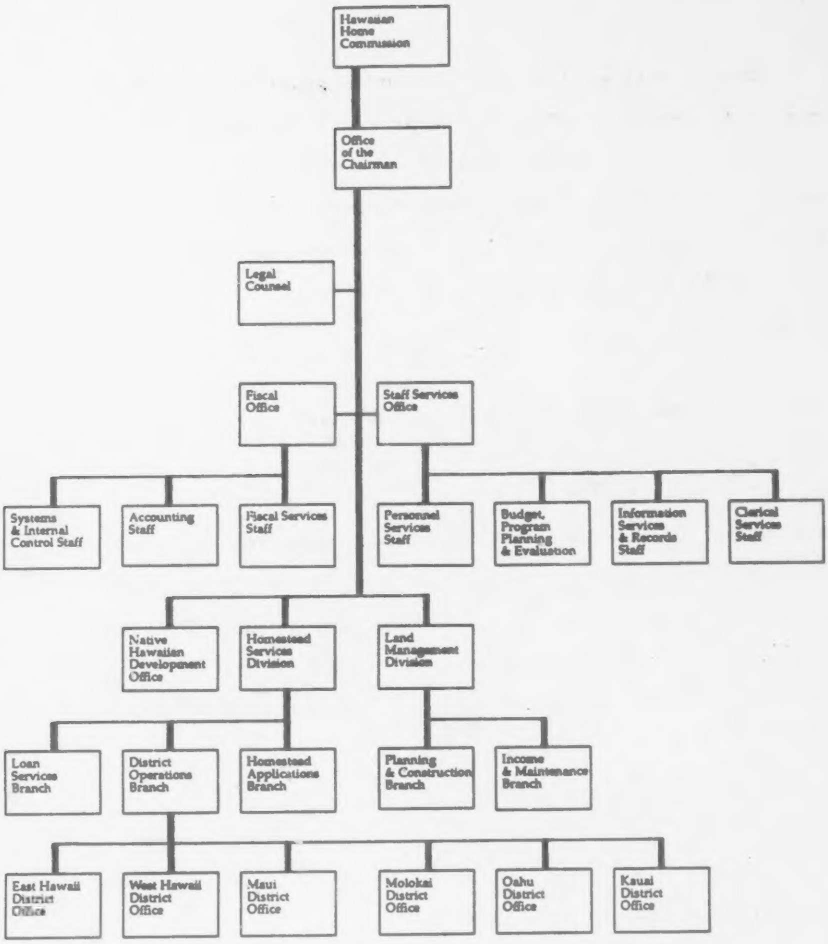
B. The Commission and Department

The Department of Hawaiian Home Lands, an executive department of the State, was established and given the responsibility of administering the Act. The Department was to be headed by an executive board known as the Hawaiian Homes Commission consisting of seven members.

Today, the Hawaiian Homes Commission (HHC) is composed of nine members. The Chairman, appointed by the Governor and confirmed by the Senate, serves in a full-time capacity and performs such duties and exercises such powers and authority as may be delegated by the Commission.

Commissioners are appointed by the Governor for four-year terms. Three Commissioners are from Oahu; two from the island of Hawaii; and one each from Maui, Molokai and Kauai.

The department's formal organization structure includes five units--Fiscal and Staff Services Offices, Land Management and Homestead Services Divisions, and the Native Hawaiian Development Office. The organization chart is as shown on the following page.


Hawaiian Home Commission
Office of the Chairman
Legal Counsel
Fiscal Office
Staff Services Office
Systems & Internal Control Staff
Accounting Staff
Fiscal Services Staff
Personnel Services Staff
Budget, Program Planning & Evaluation
Information Services & Records Staff
Clerical Services Staff
Native Hawaiian Development Office
Homestead Services Division
Land Management Division
Loan Services Branch
District Operations Branch
Homestead Applications Branch
Planning & Construction Branch
Income & Maintenance Branch
East Hawaii District Office
West Hawaii District Office
Maui District Office
Molokai District Office
Oahu District Office
Kauai District Office

C. Funding

The funding of the Hawaiian homes program has grown many-fold since statehood and represents a combination of funding sources. New sources of financing are continuously being explored. The two primary funding sources, however, are those provided by Section 213 of the Hawaiian Homes Commission Act (HHCA), 1920, as amended, and funding provided by the State Legislature.

HAWAIIAN HOMES COMMISSION ACT, SECTION 213

The Hawaiian Homes Commission Act, at the time of statehood, provided for two revolving funds and two special funds: 1) the Hawaiian home loan fund, 2) the Hawaiian home operating fund, 3) the Hawaiian home development fund, and 4) the Hawaiian home administration account. Today, Section 213 provides for two revolving funds and five special funds.

Revolving Funds:

The two revolving funds are the Hawaiian Home Loan Fund and the Hawaiian Home General Loan Fund.

1. Hawaiian Home Loan Fund - The Hawaiian home-loan fund is earmarked for loans to lessees to purchase surrendered properties with interest at 2.5 percent a year. The initial source of funding was from the 30 percent receipts from sugar-cane leases and water licenses. The legal limit of $5,000,000 that could be transferred into the Hawaiian home-loan fund was reached in January 1964. One-fourth of that capitalization ($1,250,000) was transferred to the Hawaiian home-development fund, which was later merged with the Hawaiian home-operating fund. Accordingly, this resulted in the $3,750,000 fund balance as reflected currently on the records. The only source of receipts for the Hawaiian home-loan fund today is through the repayment of principal from approximately 200 loans which represents a loan portfolio of approximately $3,500,000. Approximately $270,000 of loan principal repayments are deposited into this account annually. Any interest or other earnings arising out of investments from this fund are credited to and deposited into the Hawaiian home-operating fund.

2. Hawaiian Home General Loan Fund - Act 249, passed by the 1986 State Legislature (Exhibit I) consolidated all remaining loan funds other than the Hawaiian home-loan fund into the Hawaiian home-general loan fund. These loan funds were established through various amendments to the Act since statehood. This fund consists of approximately 1,800 loans with an approximately $35,000,000 loan portfolio. In addition to the above loans, the department is contingently liable for approximately $9,000,000 in loans for which it has guaranteed. As of June 1989, the fund balance is $40,168,240, of which $31,123,275 was initially capitalized by general obligation bonds appropriated by the State Legislature, $8,373,799 funded by transfers from the Hawaiian home-receipts fund, and $671,166 funded by the consolidation of the Hawaiian home-additional receipts loan fund as authorized by Act 249 of 1986 . The major source of receipts for this fund is through principal repayment of loans which is approximately $1,500,000 annually. Any interest or other earnings arising out of investments from this fund, except for loan interest earnings derived from monies borrowed from governmental agencies or private institutions, are credited to and deposited into the Hawaiian home-receipts fund.

Section 214 of the Act details the purposes of loans and authorizes transactions relative to the two revolving loan funds. The loan program is comprised of approximately 2,000 loans with a $38,500,000 loan portfolio. The department can make loans from the revolving funds for the following purposes:

1. Repair, maintenance, purchase or erection of dwellings on any tract and any permanent improvements.
2. Purchase of livestock and farm equipment (including aquaculture).
3. Assistance in developing land.
4. Farm loans not to exceed $50,000.
5. Commercial loans.

In addition, the department may:

6. Use money in the Hawaiian home-operating fund to secure matching funds from federal, state or county agencies.
7. Loan or guarantee the repayment of loans up to fifty percent (50%) of the maximum single-residence loan amount allowed in Hawaii by the United States Department of Housing and Urban Development, Federal Housing Administration (FHA)

8. Permit loans to lessees by government agencies or private lenders, where the department assures payment of such loans in case of default.
9. Secure, pledge, or otherwise guarantee the repayment of money borrowed by the department from government agencies or private lenders. Money borrowed by the department or on departmental guarantees of loan shall at no time exceed $21,000,000.
10. Use available loan fund monies or other funds as cash guarantees when required by lenders.
11. Exercise the functions of a lender of money in all direct loans made by government agencies or private lenders to lessees of which repayment is guaranteed by the department.
12. Pledge receivables of loan accounts outstanding as collateral to secure loans made by government agencies or private lenders to the department, the proceeds of which shall be used to make new loans.
13. Transfer into the Hawaiian home-trust fund any available money from any loan fund, except the Hawaiian home-loan fund, for use as cash guarantees or reserves when required by a federal agency authorized to insure or guarantee loans to lessees.

SPECIAL FUNDS:

1. Hawaiian Home Operating Fund - Hawaiian home-development fund (established in 1941) and the Hawaiian home-operating fund (established in 1948) were merged into one fund called the Hawaiian home-operating fund, through the passage of Act 249 by the 1986 State Legislature. This fund is used for operational costs not provided by the Hawaiian home-administration account or other funds, as well as for development expenses required by the Hawaiian homes program.

The sources of funding available to the Hawaiian home-operating fund are:

1. Investment of idle cash and loan interest revenues from the Hawaiian home-loan fund.
2. All fees received by the department from any other source except monies received by the Hawaiian home-administration account (e.g. $1.00 lease rents, pasture, water fees).
3. Quarterly transfers from the Hawaiian home-receipts fund as authorized by the Hawaiian Homes Commission.
4. Appropriations by the State Legislature.

5. Loans from the Hawaiian home-loan fund not to exceed $500,000 for a period not to exceed 10 years. This option has never been exercised.
6. Thirteen percent of the additional receipt monies from thirty percent of the sugar-cane lease and water license revenues in excess of the first $5 million deposited to the Hawaiian home-loan fund. This ceiling was reached in May 1976. The total amount transferred was $750,000.
7. Twenty-five percent of the thirty percent of revenues from sugar-cane leases and water licenses in excess of the $5,000,000 ceiling in the Hawaiian home-loan fund. This ceiling was reached January 1964. The amount transferred into the Hawaiian home-operating fund (the former Hawaiian home-development fund) was $1,250,000.
8. Any amount in the Hawaiian home-administration account which is in excess of the amount approved by the State Legislature or made available for the fiscal period may be transferred to the Hawaiian home-operating fund.

The major source of funding has been from the quarterly transfers from the Hawaiian home-receipts fund. The cash receipts deposited into the Hawaiian home-operating fund are approximately $200,000 annually.

Uses of the Hawaiian home-operating fund include:

1. Construction, operation and maintenance of revenue-producing activities, such as the Molokai Water System, on the island of Molokai, and the Anahola Farm Lots Water System, on the island of Kauai.
2. Purchase of goods and services to be resold, rented or furnished on a charge basis to occupants of Hawaiian home lands.
3. Costs of appraisals, studies, consultant services or other staff services, including those in section 202 (b) required to implement these projects.

2. Hawaiian Home Receipts Fund - All interest monies from loans or investments received by the department from any fund (except the borrowed money loans in the Hawaiian home-general loan fund and the Hawaiian home-loan fund) are deposited into this fund. In essence, the fund was to serve as a clearing account at the end of each quarter, all monies in this fund are transferred to the Hawaiian home-operating fund, the Hawaiian home-administration account, the Hawaiian home-trust fund and any loan fund in

accordance with rules adopted by the department. The cash receipts deposited into this fund are approximately $3,200,000 annually.

3. Native Hawaiian Rehabilitation Fund - Thirty percent of the state receipts, derived from lands previously cultivated as sugar-cane lands and from water licenses, are deposited into this fund which was established in a 1978 State Constitutional Amendment. The department must use this money solely for the rehabilitation of native Hawaiians. This includes, but is not limited to, educational, economic, political, social and cultural processes by which the general welfare and conditions of native Hawaiians are improved and perpetuated. Any payments of principal, interest, or other earnings arising out of the loan or investment money from the fund are credited and deposited into this fund. The cash receipts deposited into this fund are approximately $800,000 annually.

4. Hawaiian Home Administration Account - The Hawaiian home-administration account is a special account set up by Section 213(b) of the Hawaiian Homes Commission Act. The

section provides that the entire receipts from any leasing of "available lands " shall be deposited into this account. Any interest or other earnings arising out of investments from this fund are to be credited to this fund. Approximately $3,400,000 of cash receipts are deposited into the Hawaiian home-administration account annually. The monies are to be expended by the department for salaries and all other administrative expenses of the department, excluding capital improvements.

Section 213(b) further requires that the Hawaiian Home Commission secure the prior approval of the State Legislature on the total amount which may be expended from the Hawaiian home-administration account during a fiscal year. It provides that the excess of the receipts deposited into the Hawaiian home-administration account over the amount approved by the legislature, or made available by the legislature, may be transferred to the Hawaiian home-operating fund.

5. Hawaiian Home Trust Fund - Monies deposited into this fund are available for transfers into any other fund or account authorized by the Act or for any public purpose to further the purposes of the Act. Public purpose includes using the Hawaiian home trust fund as a reserve for loans insured or

guaranteed by the Federal Housing Administration, Veteran Administration or any other federal agency authorized to insure or guarantee loans. A major deposit in the Hawaiian home-trust fund is the reserve for loans insured by the Federal Housing Administration in the amount of $850,000.

STATE LEGISLATURE:

The State Legislature provides funding to the department through 1) general funds, 2) general obligation bonds, 3) reimbursable general obligation bonds and 4) revenue bonds. The State Legislature appropriated approximately $181,725,500 into the Hawaiian homes capital improvements program for fiscal years 1962 to 1991.

1. General Funds - The 1987 Legislature in the General Appropriation Act (Act 216) made an unprecedented appropriation of general funds to the department for its administrative costs. A sum of $972,803 was appropriated for fiscal year 1989 to provide funding for 49 of the 98 permanent staff positions.

   The 1989 Legislature in the General Appropriations Act made another breakthrough in approving funding of all of the department's 98 permanent positions and their related current expenses in the amount of $3,052,436 for fiscal year 1990 and $3,281,827 for fiscal year 1991.

The State Legislature has also provided general funds for the Hawaiian homes capital improvements program. For fiscal year 1988 and fiscal year 1990, the Legislature appropriated $17,575,000 for the capital improvements program.

2. General Obligation Bonds - The term "general obligation bonds" means all bonds for the payment of the principal and interest of which the full faith and credit of the state is pledged.

The State Legislature has appropriated $115,784,500 into the Hawaiian homes program for the period fiscal years 1962 to 1991, $31,123,275 of which was used as an initial source of capitalization for the Hawaiian home-general loan fund.

3. Reimbursable General Obligation Bonds - The 1987 State Legislature, for the first time, appropriated $3,208,000 of reimbursable general obligation bonds for economic development purposes for fiscal years 1988 and 1990.

The term "reimbursable general obligation bonds" means general obligation bonds issued for a public undertaking, improvement or system from which revenues may be derived for payment as reimbursement. Reimbursable general obligation bonds issued by the state for the department would be repaid by revenues of the undertaking.

4. Revenue Bonds - The term "revenue bonds" means all bonds payable from the revenues of a public undertaking, improvement, system or loan program and any loan made thereunder and secured as may be provided by law. The 1989 State Legislature also authorized the department, for the first time, to seek revenue bond financing in the amount of $43,768,000 for fiscal years 1990 and 1991.

Conclusion

A cursory review of the fiscal history reveals the singular support and committment by the State Legislature to ensure continuation of the program. Without this infusion of funding, there would be no program escalation. The demands and the costs are increasing.

In looking to the future, support besides the traditional means of funding by section 213 of the Hawaiian Homes Commission Act and the State Legislature needs to be established. Further federal participation with the Hawaiian homes program needs to be examined and developed. Federal assistance is needed in both the financial and non-financial support areas to facilitate the acceleration strategy of delivering benefits to native Hawaiians as provided by the Hawaiian Homes Commission Act.

D. Available Lands

The Hawaiian Homes Commission Act identified public lands throughout the Territory of Hawaii which were to be used for the purposes of the Act. These lands are referred to in the Act as "available lands."

Only in the Act have these lands been identified. No known government survey or other cartographic materials were prepared prior to or immediately after the passage of the Act in. Extensive searches for maps of these "available lands" have been undertaken both within the state and in Washington, D.C. The most recent efforts were undertaken at the time of the Federal-State Task Force review in 1982 and 1983.

HISTORICAL DEVELOPMENT

Knowing the history of the development of public lands in Hawaii is important, since public lands were the source from which the "available lands" of Hawaiian Home Lands were selected in 1921. The public lands designated in the Hawaiian Homes Commission Act (Section 203) consisted primarily of crown and government lands which were identified in the Mahele Book of 1848. King Kalakaua added more crown lands in 1890 which would eventually became part of the Hawaiian Home Lands' "available lands." In addition, other private lands originally awarded to alii (royalty) came under government control as "commutation of payments due with respect to other lands awarded to them by the Land Commission" (See Table 1: Origin of Title for "Available Lands). Thus, the Act's "available lands" are a combination of former crown and government lands.

(1) Congressional Action Designating "Available Lands":

Discussions were held in both Houses of Congress as to what lands should be used for the Hawaiian homesteading program proposed by Hawaii's delegate to Congress, Jonah Kuhio Kalanianaole. In the House and Senate Committees on Territories discussion focused on the need to preserve the viability of the sugar and cattle industries in Hawaii and to not disrupt valuable sources of needed labor. Both industries depended upon leasing public lands for their continued production and many of their leases were coming due. They did not want to lose their land to a homesteading program. Compromise had to be reached. Lands were identified for the Hawaiian Home Lands program, but these were not the productive lands of that day. A general description of those lands being proposed was prepared by a Mr. A. Horner and sent to one of the Senators on the Committee. His descriptions confirmed "that the lands chosen for homesteading, with very few exceptions, were lands that would require great diligence, expense, and knowledge..."(see Table 2: Horner Analysis of Hawaiian Home Lands). Besides the resolution which became the Hawaiian Homes Commission Act, two others were introduced addressing native Hawaiian homesteading. Each of these was slightly different and the land acreages proposed for homesteading purposes were smaller and generally less-suitable than those in the Act itself.

(2) Hawaiian Homes Commission Action Designating "Hawaiian Home Lands":

Section 203 of the Hawaiian Homes Commission Act designated lands for the purposes of the Act. In some instances, the Commission was required to select lands out of a larger designated area of "available lands" for use in the program. In such cases, the Commission was required to obtain the approval of the Secretary of the Interior and to give notice of its selection to the Commissioner of Public Lands in Hawaii before the lands selected could acquire the status of "Hawaiian Home Lands." The selections had to be made within three years following the expiration of the first five-year period of the program which commenced with the first meeting of the Commission. Selections made thereafter were deemed invalid. The first meeting of the Hawaiian Homes Commission was held on September 16, 1921. In March, 1928, prior to the expiration of the eight-year period, this provision of the Hawaiian Homes Commission Act was deleted by amendment. However, The Attorney General advised the Commission in November, 1928, that selections made after the eight-year period would be invalid. All selections but one were completed within the eight-year period (See Table 3: "Available Lands" selected by the Hawaiian Homes Commission).

PHYSICAL CHARACTERISTICS

The "available lands" inventory of the Hawaiian Home Lands trust currently includes thirty-four tracts of land on five major islands in the State of Hawaii. Together, these tracts encompass some 187,421 acres (see Table 4: Hawaiian Home Lands).

(1) Boundaries:

Congress used as its major boundary determinant for identifying "available lands," the traditional Hawaiian land system of ahupuaa. Ahupuaa were land units which generally ran from the mountains to the coast and included the resources within them necessary for self-sufficiency. Thus, today, many of the land parcels of Hawaiian home lands run from the mountains to the sea and follow traditional boundaries established in pre-European Hawaii.

Congress did not rely solely on ahupuaa boundaries to determine "available lands." As noted earlier, there was Congressional consensus that any Hawaiian homesteading program could not impact on the Territory's economic situation nor disrupt its existing settlement patterns. To insure this stability: Congress expressly excluded from the "available lands" inventory "(a) all lands within any forest reservation, (b) all cultivated sugar-cane lands, (c) all public lands held under a certificate of occupation, homestead lease, right of purchase lease, or special homestead agreement" at the time of the Act's passage. The impact of these exclusions was effectively to remove from consideration for Hawaiian Home Lands much of the better agricultural lands within ahupua'a. This also resulted in inconsistent boundary alignments in many of the tracts of Hawaiian Home Lands. This has led to boundary disputes with other departments and agencies over the years. With the exception of but a few areas, most disputes have been resolved.

(2) Geographic Landscapes:

The thirty-four tracts of Hawaiian home lands in the state provide a full array of geographic landscapes from coastal beaches to mountain peaks and every variant in between. Hawaii, an island state of volcanic origin, has a degree of similarity of landscape dependent upon elevation and compass-point location. Windward sides of islands exhibit greater degrees of rainfall than leeward sides. This results in steeper, more dramatic relief on windward slopes of islands. Leeward sides of islands are drier and more gently sloping.

Knowing the general locations of tracts of Hawaiian Home Lands on islands can result in making generalizations with some assurance about an area's soil fertility, rainfall, topography, and general suitability for homesteading. Some of the more prominent tracts of Hawaiian home lands and their geographic features are noted below:

(a) Coastal Beaches:

Hawaiian home lands include a number of coastal areas with coral and lava rock sandy beaches. The best examples include lands at Waimanalo and Nanakuli on Oahu, Anahola on Kauai, and Hoolehua and Kalamaula on Molokai, Kahikinui on Maui, and Keaukaha and Kamaoa on Hawaii. Economic potentials associated with visitor industry development are present in all these areas; however, of an equal concern is the preservation of these areas' scenic and natural beauty.

(b) Valleys:

The two largest valley complexes within Hawaiian home lands are at Nanakuli on Oahu and at Anahola on Kauai. In both instances, most of the entire valleys are part of the Hawaiian home lands inventory. Additional valley terrain is found at Waimea on Kauai, Kalaupapa on Molokai, Kahikinui on Maui, and Waimanu on Hawaii. Waimanu lands are located on the valley floor of a lush, windward valley complex, while those others noted are generally shallow and less pronounced valleys.

Perennial streams are located in Waimanu and Anahola.

(c) Inland Areas and Plains:

The inland areas and plains have tended to be the more developable land areas. Much of the residential and agricultural development on Hawaiian home lands is located on inland areas and plains. Development at Waianae and Waimanalo on Oahu, Kalamaula and Hoolehua on Molokai, Waiehu and Paukukalo on Maui, and Keaukaha, Panaewa, and Puukapu on Hawaii are examples of this.

(d) Lowland Slopes:

Development costs are generally higher on sloping lands. Thus, most tracts of Hawaiian home lands with lowland slopes are sparcely developed. The exception to this is on Oahu at Papakolea-Kewalo. Because of its proximity to downtown Honolulu, this is one of the more popular residential homestead areas. Lowland slopes of land at Waimea on Kauai, Kula on Maui, and Kawaihae on Hawaii have yet to be developed.

(e) Kula Lands:

Kula lands are upland areas, usually at higher elevations. Hawaiian home lands has kula lands on all five of the major Hawaiian islands. Homestead development has not occurred in most of these areas due to associated high development costs and relative isolation. Such lands include those at Humuula, Piihonua, and upper Kawaihae on Hawaii, upper Kahikinui on Maui, upper Kalamaula, upper Kamiloloa, upper Makakupaia, and upper Kapaakea on Molokai, and upper Waimea on Kauai.

As noted earlier, Horner conducted an appraisal of proposed Hawaiian Home Lands in 1920 and conveyed his findings to the Senate Committee of Territories. While his findings were that the initial lands selected for the Hawaiian home lands program were generally isolated and less desirable, most of these areas have become very valuable as the state's population and economy have grown. The fact that the first homesteaders made their land entitlements productive and "blossom" despite untold hardships is a legacy which has reaped dividends in terms of enhancing today's value of the Hawaiian home lands trust and its land assets. Just as the efforts of these individuals have influenced development decisions today, so, too, will new homesteaders today influence future development decisions. Remaining undeveloped Hawaiian home lands at Waimea on Kauai, Kahikinui on Maui, and Humuula, Piihonua, Kawaihae, and Kamaoa-Puueo on Hawaii, represent the future for native Hawaiian homesteaders and other beneficiaries throughout the state.

(3) Land Classifications and Utilization

(a) State Land Use Districts and County Zoning:

Section 206 of the Hawaiian Homes Commission Act has been interpreted by the Attorney General to eliminate zoning controls imposed by counties and land use restrictions by state agencies for "available lands" used by the department for homesteading purposes. For planning purposes only, however, the State Land Use Commission has included Hawaiian home lands in its statewide land use district classifications. The four land use districts include urban, rural, agricultural, and conservation.

The majority of Hawaiian home lands fall within the agriculture and conservation districts (See Table 5: State Land Use Designations of Hawaiian Home Lands). These designations are useful in master planning Hawaiian Home Lands, though they have no force in law. In terms of county zoning requirements, Hawaiian Home Lands clearly are exempt when they are developed for homesteading purposes. If lands are general-leased for income-generating purposes, the department has followed re-zoning procedures to insure proper community dialogue and county support. County governments have had difficulty in accepting the proposition that Hawaiian Home Lands are exempt from their zoning requirements, yet seek their recognition and approval for subdivisions even though areas developed may not be in compliance with County zoning or State land use district designations.

(b) Agricultural Lands:

Horner's report clearly noted that Hawaiian Home Lands were considered to be the poorer agricultural lands in the Territory. Over the years, various classifications of land suitable for agriculture have been developed and used by agencies. The original Hawaiian Homes Commission Act distinguished between agricultural and pastoral lands and their relative production abilities. Since that time, a number of different classification systems have been devised for identifying lands with agricultural potential.

In an effort to standardize these systems and to identify important agricultural lands in the State, the state legislature passed Act 273 in 1983 which established a study commission to conduct a statewide agricultural land evaluation and site assessment. The final report of the commission was completed in 1986. It consolidated previous data and studies conducted by the Land Study Bureau of the University of Hawaii, the Agricultural Lands of Importance to the State of Hawaii (ALISH), and the U.S. Soil Conservation Service's Land Evaluation and Site Assessment System. Map evaluations are presently being prepared. It is important to note that some of the state's prime agricultural lands are, indeed, on Hawaiian Home Lands. "Available lands" at Hoolehua on Molokai, Anahola on Kauai, and Puukapu on Hawaii are some of the most suitable agricultural lands in the state. In addition, pasture lands at Moloaa on Kauai, portions of Kahikinui on Maui, and lands in upper Kawaihae and Piihonua are some of the best grazing lands in the state.

(c) Aquacultural Lands

The Hawaiian Homes Commission Act was amended in 1981 to allow for aquacultural homestead leases. In 1982, the department conducted a survey of its lands to identify areas with aquacultural potential. An earlier state study of Hawaiian fishponds had identified Alii Fishpond on Hawaiian Home Lands at Makakupaia, Molokai, as a potential site for mullet and milkfish production. The survey identified sites at Anahola on Kauai, Nanakuli on Oahu, Palaau (Apana 1), Kalamaula, and Hoolehua-Palaau on Molokai, and Waiehu on Maui as potential areas for commercial and/or small-scale aquaculture development. In 1983, the Department unsuccessfully applied for federal grant assistance from the Economic Development Administration to construct an aquaculture park at Kalamaula on Molokai. This would have established the first aquacultural homesteads in the State. In 1986, the department funded a local native Hawaiian planning effort for Keaukaha Tract II on Hawaii. One item reviewed was that area's potential for aquacultural development. Since that effort, there has been little demonstrative native Hawaiian interest in aquaculture development on Hawaiian Home Lands.

(d) Pasture Lands

The Hawaiian Homes Commission Act provides that native Hawaiians are eligible to receive lands for pastoral use either through a homestead lease or general lease. Additionally, the department is able to provide pastoral lands for community use in areas where agricultural lands have been awarded for homesteading purposes.

The Act authorizes the department under Section 207(a) to lease to native Hawaiians for homesteading purposes "not more than 100 acres of irrigated pastoral lands and not more than 1,000 acres of other pastoral land." There is no minimum amount of acreage stipulated by the Act.

The size of pastoral homestead lots has been a continuing controversy for decades. While initially the intent of the Act may have been to provide native Hawaiian homesteaders with enough land for self-sufficient ranches, this has never been possible. In 1952, when the Hawaiian Homes Commission awarded 300-acre pastoral homesteads at Puukapu on Hawaii, the commission's chairman headed off an effort by some commission members to prohibit new pastoral homesteaders from working at other jobs to earn income. He noted that 300 acres was simply not enough land for commercial ranching operations.

The Legislative Reference Bureau did an extensive review of the Hawaiian Home Lands Program in 1964. In its examination, its report reflected on the program's shifting focus:

> The change from the agricultural and rural emphasis in the Hawaiian Homes Commission Act to the non-agricultural and urban emphasis which now exists may be the almost inevitable result of social and economic forces beyond the control of those who originally conceived the program . . . . More and more people are living in urban communities; more of the wealth and means of production are concentrated in urban centers; fewer and fewer people are required to produce the food consumed by an increasing population. As these trends have progressed, there has been an increasing lack of interest on the part of young people in following agricultural pursuits. Probably all of these and other related factors have played a part in transforming what was essentially conceived of as a return to the land, agricultural, rural homesteading program into the rather unique, primarily non-agricultural, homesteading program that now exists . . . .

Twenty years were to pass before additional pastoral homestead lots were to be made available to Native Hawaiians. Obligating large acreages of trust lands for 99-year pastoral homestead leases simply was not seen as a viable and prudent use of the land trust given the demand for residential and agricultural homesteads and development costs associated with large pastoral lots. In an effort to address long-standing concerns of pastoral homestead applicants, however, the Commission made a decision.

In September, 1986, it adopted its first stated policy relating to pastoral homestead lot sizes and unanimously approved:

1. Providing pastoral lot awards under DHHL's current Acceleration Program at sizes equating to the "carrying-capacity" for raising between one to five "animal units," as defined in Section 171, HRS; and
2. That in no case, under the FY 87 Acceleration Program, will the size of a pastoral lot award be more than 100 acres.

In December 1988, it refined its pasture size policy by adopting ten guidelines for planning all future pastoral homestead lots. (See Table 6: Pastoral Homestead Guidelines with notes).

These guidelines have provided the department with guidance in developing new pastoral homestead lots at Puukapu and Kamaoa on Hawaii.

(e) Land Use

The department's primary focus is on developing lands for homesteading purposes. Currently, a little more than 17% of Hawaiian Home Lands are in homesteading use (32,713 acres). The remaining lands were in some form of non-homesteading use which includes general leasing, licenses, revocable permits, or are unencumbered. The only lands which presently have no encumbrances are some of the forest reserve lands which were recently returned to the department by the Governor as recommended by the Federal-State Task Force.

In its early years, the Hawaiian Homes Commission could only put certain areas of its lands into homesteading. Even though restrictions were eventually lifted, limited financial support kept homestead development to a minimum. (See testimony on Housing for additional information.)

In the last five years, there has been remarkable growth in homesteading use due to the conversion of lands from other uses. While total acreage figures vary slightly because of today's more sophisticated land inventory, the statistics are telling in terms of land use and the recent emphasis on developing homestead lands (See Table 7: DHHL Land Use Summaries 1983 & 1988). This trend will continue at an even faster rate in the 1990s as general leases expire and additional lands are made available for homesteading.

NATURAL RESOURCES

(1) Environmental Resources

Over 90% of Hawaii's native plants and animals occur nowhere else in the world. Each of these species offers an opportunity for research and discoveries useful to medicine, agriculture, energy production, science and industry. Today, over 75% of all medicinal and pharmaceutical products in use are derived from plants or animals found in the wild. Looking ahead, new agents against disease and pests and new solutions for the material needs of future generations will probably be found in the genes of existing species rather than created in the laboratory. Hawaii's extraordinary biological diversity is an untapped resource important not only to Hawaii, but to the world. Unfortunately, Hawaii's unique inheritance is also the most critically endangered in the United States. Nearly three-quarters of the documented extinctions in the United States are Hawaiian species. Today, Hawaii is home for more than 25% of all the rare plants and birds in the United States. Nearly all of these species and the ecosystems in which they live are threatened by disruptive non-native weeds, animals, wildfires, or by humans.

Hawaiian Home Lands serve as habitat for at least twenty-three known threatened and endangered species of plants, animals, and birds. In addition, of the 180 known native natural ecosystems present in Hawaii, 141 are considered rare. Of these rare communities, ten are located on Hawaiian Home Lands. The Hawaiian Homes Commission views the presence of these species and native communities as important assets of the Hawaiian Home Lands trust.

In master planning, biological surveys and studies have been done and will continue to be done in efforts to identify and plan homestead development in conjunction with these native species and unique ecosystems. (See Table 8: Known Endangered Species on Hawaiian Home Lands and Table 9: Unique Native Natural Ecosystems on Hawaiian Home Lands).

Alternative Energy Resources

Hawaiian Home Lands have various potentials for alternative energy developmentbased on indigeous resources. The major sources of such energy are (a) wind power, (b) hydro-electric power, and (c) geothermal power.

(a) Wind Power: Wind power is a resource which can be harnessed whereever there is a steady source of winds primarily northeast trades. Commercial development of the wind resource has been discussed for Hawaiian Home Land areas at Kamaoa-Puueo on Hawaii and Hoolehua on Molokai. Wind farm technology is still being developed and, in the furture, it may become commercially viable in these two areas. Not enough is known about wind patterns in areas like Kahikinui on Maui and Waimea on Kauai to evaluate use possibilities, but these areas, too, may hold future potential not yet realized.

(b) Hydro-electric Power: Hydro-electric power is being used on Hawaiian Home Lands in Waimea on Kauai. Generally, perennial stream water source is necessary for such development.

There are few perennial streams on Hawaiian Home Lands and, therefore, the future development of this resource is limited. Artificial stream or pipeline generation using small implanted hydro-electric units may become feasible in Hawaiian Home Lands' areas with water systems in the future.

(c) Geothermal Power: Potential areas for geothermal development have been identified on Hawaiian Home Lands. However, none of the areas identified are considered primary sources. The identified sites showing potential are at

Lualualei on Oahu and at Kawaihae on Hawaii. Some native Hawaiian groups have definite cultural concerns about utilizing this resource. Others, however, see it as a gift to be used. No plans have been discussed to utilize sites with geothermal potential on Hawaiian Home Lands.

3. Commercially Potential Resources:

Hawaiian Home Lands possess quantities of specific resources with commerical potential including lava cinders, coral sand aggregate, timber, and moss rock. Lava rock cinders are mined on Hawaii at Puukapu and Humuula, while coral sand aggregate is quarried in Waimanalo on Oahu. Timber resources, primarily native koa (Acacia Koa) are found along the lower slopes of Humuula and along the upper boundaries of Kawaihae on Hawaii. Additional koa exists in Waimea on Kauai. Another native tree, ohia (Metrosideros spp.), is found at Panaewa, Makuu, and upper Kawaihae on Hawaii. Both koa and ohia have commercial value as well as cultural significance. Additional non-native timber resources are present at Nienie on Hawaii. Commercial quality eucalyptus (Eucalyptus spp.) was planted by the State Department of Land and Natural Resources and has matured to a point where it can be harvested. Once homestead plans for the Nienie area have been finalized, this resource may be commercially harvested.

Moss rock is lava rock which is used in the construction of walls. Hawaiian Home Lands has abundant moss rock resources on Oahu at Nanakuli as well as at Panaewa and Makuu on Hawaii.

These resources provide the Hawaiian Home Lands trust with commercial assets which continue to be utilized to enhance the financial worth of the trust.

4. Mineral/Mineral Related Resources:

Minerals are scarce in Hawaii because of the islands' relatively recent volcanic orgin. A semi-precious olivine gem stone is fairly common in lava flows and is used by local jewelers. Such flows on Hawaiian Home Lands are found at Kamaoa and Makuu on Hawaii. In addition to this resource, a number of studies have been done on the development of manganese nodule processing in the state. Two sites identified for possible processing facilities are on Hawaiian Home Lands in the Hilo area and at Kawaihae on the island of Hawaii. While the Hawaiian Homes Commission has not taken an official position on this matter, there are simply too many unanswered questions and environmental concerns which need to be addressed before any official position can be considered.

CULTURAL RESOURCES

Cultural resources are defined as those resources which were developed by native Hawaiians or are a result of centuries of native Hawaiian settlement and that of more recent peoples. There are numerous and significant cultural resources on Hawaiian Home Lands. These consist of archaeological and historical sites, artifacts, and burials. The department has compiled a handbook on the treatment and location of known sites of importance on its lands. This topic is dealt with at length in testimony on Cultural Rights and Concerns.

FACT SHEETS

An overview of each of the thirty-four tracts of Hawaiian Home Lands is presented in Exhibit II-1.

Table 1

ORGIN OF TITLE OF "AVAILABLE LANDS"*

1. Crown Lands (Mahele Book of 1848)

Anahola, ahupuaa of Koolau, Kauai
Auwaiolimu, ili in Honolulu, Kona, Oahu
Kalamaula, ahupuaa in Kona, Molokai
Kawaihae, ahupuaa in Kohala, Hawaii
Keokea, ahupuaa in Kula, Maui
Palaau, ahupuaa in Kona, Molokai
Puukapu, ili in Waimea, Hawaii
Waiakea, ahupuaa in Hilo, Hawaii
Waianae, ahupuaa in Waianae, Oahu
Waimanalo, ahupuaa in Koolaupoko, Oahu
Waimanu, ahupuaa in Hamakua, Hawaii
Waimea, ahupuaa in Kona, Kauai

(Kalakaua-Act of 1890)

Kapaakea, ahupuaa in Kona, Molokai
Waiohuli, ahupuaa in Kula, Maui

2. Government Lands (Mahele Book of 1848)

Hoolehua, ahupuaa in Kona, Molokai
Kalawao, ahupuaa in Kona, Molokai
Kamaoa, ahupuaa in Kau, Hawaii
Kamiloloa (1/2), ahupuaa in Kona, Molokai
Makakupaianui, ahupuaa in Kona, Molokai
Makuu, ahupuaa in Puna, Hawaii
Moloaa, ahupuaa in Koolau, Kauai

(Alii Transfers)

Kahikinui, Maui -from Lot Kamehameha
Kapulena, ahupuaa of Hamakua, Hawaii -from W.C. Lunalilo
Kou Ili Aina, ahupuaa of Waiehu, Maui -from W.C. Lunalilo

* Listing of original "available lands"

FROM: Akinaka, A. A Land Inventory and Land Use Study for the Department of Hawaiian Home Lands, Honolulu, December 18, 1972 (pp. 23-24).

Table 2

HORNER'S DESCRIPTION OF LANDS CHOSEN FOR HOMESTEADING UNDER HAWAIIAN HOMES ACT

Island	Acreage	Land Potential
HAWAII:		
Kamaoa-Puueo	11,000	Useful for grazing only for a few months a year. No water for domestic use.
Puukapu	1,200	Land adjacent to site where a Hawaiian rehabilitation project had been attempted and had failed. Most suitable of available lands for homesteading purposes.
Kawaihae I	10,000	Same as Kamaoa, except less soil covering rocks.
Pauahi	750	Same as above.
Kamoku-Kapulena-Nienie	12,350	Third class agricultural in part, and balance second class pasture. Water for domestic use would have to be piped in some miles.
Humuula	53,000	Fourth class grazing; no water supply; beyond reach of water; almost entirely lava waste with no agricultural land.
Pihonua	2,000	Second class agricultural; annual rainfall 250 inches.
Kaohe-Makuu	2,000	Rocky, almost solid lava; fertile soil, well situated for fishing.
KAUAI:		
Upper Waimea	15,000	Third class grazing; valueless without fattening lands, rough, rocky, very dry; could produce crops if $1,000,000 spent to bring water.
Moloaa	2,500	No agricultural or grazing lands.
Anahola and Kamalomalo	5,000	Second class agricultural land; would require irrigation; large part planted to cane and irrigated.
MAUI:		
Kahikinui	25,000	Third class grazing when held in large tracts; most of land can be grazed only few months of year due to frequent dry spells; steep and rocky
Kula	6,000	Second class agricultural; crops can be expected one year out of three.
MOLOKAI:		
Palaau	11,400	With irrigation would produce abundant crops, without water is poor grazing land; irrigation project estimated to cost $2,000,000.
Kapaakea Kamiloloa I and II Makakupaia	2,000 3,600 2,200	Steep part of mountain; worthless for agriculture.
Kalamaula	6,000	Upper half, second class agricultural land; lower same as Palaau.

Island	Acreage	Land Potential
OAHU:		
Nanakuli	3,000	Rough, rocky, dry; no value except for its proximity to sea, and fishing rights.
Lualualei	2,000	
Waimanalo	4,000	Second class agricultural or cane land, with water might be first class.

Source: U. S., Congress, Senate, Committee on Territories, Hawaiian Homes Commission Act, 1920, Hearings on H. R. 13500, to Amend Act to Provide Government for Hawaii, As Amended, to Establish Hawaiian Homes Commission, and for Other Purposes, 66th Cong., 3rd Sess., 1920.

[a]Papakolea lands not included in original Act.

FROM: Spitz, Allan. Land Aspects of the Hawaiian Homes Program, Legislative Reference Bureau, Report 1b, University of Hawaii, 1964 (pp. 8-9).

Table [illegible]

"Hawaiian Home Lands" Selected by the Hawaiian Homes Commission

Location	Acreage Total	Date of Selection
Keaukaha, Hawaii	2,000	June, 1924
Panaewa, Hawaii	2,000	June, 1924
Waiohulo, Maui	6,000	November, 1926 June, 1929
Humuula, Hawaii	33,000	June, 1929
Piihonia, Hawaii	2,000	June, 1929
Kaohe-Makuu, Hawaii	2,000	June, 1929
Waimanalo, Oahu	4,000	January, 1931

FROM: Doi, Herman. Legal Aspects of the Hawaiian Homes Program, Legislative Reference Bureau, Report 1a, University of Hawaii, 1964 (p. 11).

Table 4

HAWAIIAN HOME LANDS AND ACREAGE

HAWAII:	Kamaoa-Puueo	11,037.380	
	Puukapu	11,978.919	
	Kawaihae	10,142.874	
	Pauahi	600.000	
	Kamoku-Kapulena	3,528.714	
	Waimanu	200.000	
	Nienie	7,135.140	
	Humuula	49,100.000	
	Panaewa	2,210.360	
	Keaukaha	1,671.266	
	Piihonua	7,078.000	
	Kaohe-Makuu	2,000.000	
	Waikoloa-Waialeale	1,208.247	107,890.900
MAUI:	Kahikinui	22,809.270	
	Kula	6,111.950	
	Paukukalo	61.040	
	Waiehu	12.455	28,944.715
MOLOKAI:	Palaau	11,213.145	
	Hoolehua	2,606.908	
	Kalamaula	5,116.000	
	Kapaakea	1,955.234	
	Kamiloloa	2,501.665	
	Makakupaia	726.000	
	Kalaupapa	1,247.000	25,365.952
OAHU:	Nanakuli	2,297.034	
	Lualualei	1,924.577	
	Waimanalo	1,965.122	
	Papakolea-Kewalo	136.456	
	Waianae	263.374	
	Shafter Flats	13.822	6,600.385
KAUAI:	Waimea	15,061.000	
	Moloaa	315.974	
	Anahola-Kamalomalo	3,172.290	
	Kekaha	19.952	18,569.216
TOTAL:			187,421.168

Table 5

ACREAGE OF STATE LAND USE DISTRICT DESIGNATIONS OF HAWAIIAN HOME LANDS

1%	URBAN DESIGNATION	2,000 acres
19%	CONSERVATION DESIGNATION	36,000 acres
80%	AGRICULTURE DESIGNATION	152,000 acres
	o 70% of Ag lands are marginal	
	o 55% of Ag lands have water problems	
100%		190,000 acres
		(187,421 acres)

FROM: Department of Hawaiian Home Lands. General Plan, April, 1976 (p. 24).

Table 6

Pastoral Homestead Guidelines with Notes

1) THAT THE AWARDING OF PASTORAL HOMESTEAD LOTS IS TO PRESERVE A LIFESTYLE WHICH INCLUDES ALLOWING FOR THE PRODUCTION OF LIVESTOCK TO SATISFY FAMILY NEEDS AND SUPPLEMENT FAMILY INCOME.

The department does not award "economic" pastoral units. Rather, it is awarding entitlements which allow for the raising of livestock to satisfy family needs for consumption and for supplementary income. An "economic unit" by today's standards may consist of 1,000 acres or more of unirrigated pasture.

The land use and cost implications of this fact and the number of people on the pastoral waiting list do not make the "economic unit" feasible to use as a basis for awarding pastoral homesteads.

2) THAT APPLICANTS ON THE ENTIRE PASTORAL WAITING LIST NEED TO BE CONSIDERED IN THE AWARDING OF PASTORAL HOMESTEAD LEASES.

The department has made a commitment to all applicants on the pastoral waiting list. It, therfore, is awarding pastoral lots at sizes which insure individual use by pastoral homesteaders.

3) THAT IN CONSIDERING LANDS FOR PASTORAL HOMESTEAD DEVELOPMENT THERE ARE COMPETING DEMANDS FOR RESIDENTIAL AND AGRICULTURAL HOMESTEADS AND FOR COMMERCIAL USES.

The land base of the Hawaiian home lands trust is finite and provides the base for present and future land entitlements to beneficiaries. The department endeavors to set aside lands for various uses through its master plans which take into consideration beneficiary demand, needs, and land characteristics.

It is important to realize that having competing demands means that lands best suited for pastoral use may be put to some other use if that use better addresses the overall needs of beneficiaries.

4) THAT BASIC INFRASTRUCTURE IMPROVEMENTS FOR PASTORAL HOMESTEAD LOTS, SUCH AS SUITABLE ACCESS, DOMESTIC WATER AND UTILITIES, SHOULD BE AVAILABLE.

The allowing of residences on all types of homestead lots requires the need to provide basic infrastructure. Infrastructure may take different forms and be at different levels of standards but basic improvements are necessary to allow for safe human habitation and for areas to qualify for consideration of various types of loan assistance.

There are trade-offs: Larger pastoral homestead lots may receive fewer improvements or improvements at a lesser standard because of cost. Choices have to be made with regards to:

-Lot configurations
-Homestead areas and their proximity to existing improvements
-Standards or levels of improvements to be constructed

5) THAT THE COST PER LOT FOR INFRASTRUCTURE IMPROVEMENTS FOR PASTORAL HOMESTEAD LOTS IS TO BE COMPARABLE WITH THOSE FOR OTHER RESIDENTIAL AND AGRICULTURAL HOMESTEAD LOTS. ON-GOING MAINTENANCE COSTS ARE FACTOR IN THIS COST PER LOT EQUATION.

> The department considers parity in investment as it relates to homestead lot development. the department is spending an average of between $35,000 - $55,000 per lot in developing infrastructure for residential and agricltural homesteads. Pastoral homestead development should be in the same range for infrastructure investment as it is for other homesteads. this is important in justifying expenditure of public funds through the CIP program.

6) THAT A MINIMUM PASTORAL HOMESTEAD LOT SIZE SHOULD BE BASED ON THE LAND'S NATURAL CARRYING-CAPACITY TO SUPPORT 2 ANIMAL UNITS FOR BEEF LIVESTOCK.

> There is a requirement to utilize pastoral homesteads for pasture purposes. In additin, the requirement of having a pastoral homestead large enouhg to support at least 2 animal units of beef livestock. This provides for immediate and future consumption needs of a homestead family.
>
> The quality of land for pastoral purposes is important. Generally, the better the land, the smaller the homestead lot need be to provide the homesteader with beef and meat supply.

7) THAT THE REGIONAL CHARACTER OF COMMUNITIES IS IMPORTANT AND THAT SIMILAR TYPES OF DEVELOPMENT IN THE REGION OFFER MODELS OF WHAT CAN BE DONE WITH LAND DEVELOPMENT.

> The department is cognizant of what is happening in land development in Hawaii. What is an acceptable norm for the area within this context is an important consideration. This element relates to the relationship of lot sizes and is used in determining lot sizes for residential and agricultural homesteads. The same should be there for pastoral homesteads.

8) THAT THE BASIS FOR DETERMINING PASTORAL HOMESTEAD LOT SIZE BE BASED ON THE LAND'S NATURAL CARRYING-CAPACITY FOR BEEF ANIMALS, INFRASTRUCTURE DEVELOPMENT COSTS, REGIONAL CHARACTER, AND THE BENEFICIARY DEMAND IDENTIFIED THROUGH THE WAITING LIST.

> This is the basic criteria for determining pastoral homestead lot sizes. balancing each determines lot sizes for pastoral homesteads. There are trade-offs between lot sizes and associated improvement costs and beneficiary demand expressed through the waiting list.

9) THAT OPPORTUNITIES FOR NATIVE HAWAIIANS TO DEVELOP COMMERCIAL RANCHING OPERATIONS SHOULD BE PROVIDED.

> The department is aware that there are native Hawaiians who desire to develop commercial ranching operations. The department has identified lands which will be set aside for commercial ranching by native Hawaiians.

10) THAT HOMESTEAD LEASE IN ITS CURRENT FORM PRESENTS DIFFICULTIES IN FINANCING FOR COMMERCIAL RANCHING OPERATIONS.

> The pastoral homestead lease presents a number of difficulties in obtaining financing for commercial ranching operations. Other types of disposition may be none feasible.

Table 7

HAWAIIAN HOME LANDS LAND USE SUMMARY

Land Use Summary
As of June 30, 1988

Use:	Homestead Use Homes	Farms	Ranches	General Leases	Licenses	Others	Total Acreage
Acreage	2,363	11,704	18,646	89,873	1,018	63,809	187,413

Land Use Summary By Island
As of June 30, 1988

Acreage Use	Hawaii	Kauai	Maui	Molokai	Oahu	Total Acreage
Homesteads	20,943	831	541	9,677	721	32,713
General Leases	50,284	16,373	20,676	723	1,817	89,873
Licenses	112	7	6	824	69	1,018
Others	36,544	1,358	7,773	14,342	3,792	63,809
Totals	107,883	18,569	28,996	25,566	6,399	187,413

(as of June 30, 1983)

USE:	Homestead Use HOMES	FARMS	RANCHES	COMMUNITY PASTURES	GENERAL LEASE	LICENSES	OTHERS	TOTAL ACREAGE
Acreage	1,188	8,289	17,962	13,706	75,276	1,191	68,475	**186,087**

ACREAGE USE	HAWAII	KAUAI	MAUI	MOLOKAI	OAHU	TOTAL ACREAGE
Homestead	18,647	548	17	7,788	439	**27,439**
General Lease	50,699	302	21,679	729	1,867	**75,276**
Community Pastures	550			13,156		**13,706**
Licenses	93	11	7	977	103	**1,191**
Others	37,461	17,023	7,301	2,987	3,703	**68,475**
Totals	107,450	17,884	29,004	25,637	6,112	**186,087**

Table 8

IDENTIFIED ENDANGERED SPECIES ON HAWAIIAN HOME LANDS

	[illegible]	FED	STATE
PLANTS:			
Vicia Menziesii	Humu'ula	X	X
Abutilon Menziesii (Ko'oloa'ula)	Kawaihae		X
Acacia Koaia (Koai'a)	Anahola Wai'anae Kula Kawaihae		X
Alectryon Mahoe (Mahoe)	Wai'anae Nānākuli		X
Cyanea Lindseyana	Humu'ula		X
Geranium arboreum	Kula		X
Lepidium serra ('Ānaunau)	Waimea (Kaua'i)		X
Marsilea villosa (Pepperwort)	Nānākuli-Lualualei		X
Portulaca hawaiiensis (Portulaca)	Kamaoa-Puueo		X
Gardenia brighamii (Na'u)	Nānākuli		X
Sesbania hawaiiensis ('Ohai)	Kamaoa-Puueo		X
Argyroxiphium sandwicense (Mauna Kea Siversword)	Humu'ula	X	X
BIRDS:			
Puffinus auricularis newelli ('A'o)	Anahola	X	X
Fulica americana alai (Alae Ke'oke'o)	Pala'au Waimanu	X	X
Hymantopus hymantopus knudseni (Ae'o)	Pala'au Waimanu	X	X
Loxioides (=Psittirostra) bailleui (Palila)	Humu'ula	X	X
Oreomystis (=Loxops) mana (Hawaiian Creeper)	Humu'ula	X	X
Loxops coccineus coccineus (Hawai'i 'Ākepa)	Humu'ula	X	X
Hemignathus munroi (=wilsoni) ('Akiapola'au)	Humu'ula	X	X
Psittirostra psittacea ('O'u)	Humu'ula	X	X
Buteo solitarius ('Io)	Humu'ula	X	X
INVERTEBRATES:			
Achatinella spp. (Pūpū)	Waimanalo	X	X
MAMMALS:			
Lasiurus cinereus semotus ('Ope'ape'a)	Humu'ula Keaukaha Panaewa Kamaoa-Puueo Kawaihae	X	X

FROM: Department of Hawaiian Home Lands. *A Notebook of Unique Ecosystems and Habitats for Threatened and Endangered Species on Lands Administered by the Department of Hawaiian Home Lands*, NHDO Special Report 2, July, 1985.

Department of Hawaiian Home Lands. *Biological Database and Reconnaisance Survey of Nanakuli*, The Nature Conservancy of Hawaii, December, 1987.

Department of Hawaiian Home Lands. *Biological Database and Reconnaisance Survey of Waimanalo*, The Nature Conservancy of Hawaii, December, 1987.

Table 9

UNIQUE NATIVE NATURAL ECOSYSTEMS ON HAWAIIAN HOME LANDS

(1) AQUATIC ECOSYSTEMS:

- o High Salinity Lava Tube Anchialine Pool
  - -Lua o Palehemo, Kamaoa, Hawaii
- o Low Salinity Lava Tube Anchialine Pool
  - -Waiakea, Panaewa, Hawaii

(2) TERRESTRIAL ECOSYSTEMS:

- o Iliahi Coastal Dry Shrubland
  - -Makapuu, Waimanalo, Oahu
- o Maolioli Coastal Dry Shrubland
  - -Makapuu, Waimanalo, Oahu
- o Aalii/Naenae Shrubland
  - -Puu o Kali, Kula, Maui
- o Koa Lowland Dry Forest
  - -Puu o Kali, Kula, Maui
- o Olopua/Lama Lowland Dry Forest
  - -Nanakuli Valley, Nanakuli, Oahu
- o Olopua/Halapepe Mixed Forest
  - -Auwahi, Kahikinui, Maui
- o Maui Diverse Montane Mesic Forest
  - -Auwahi, Kahikinui, Maui
- o Olopua Mixed Montane Mesic Forest
  - -Auwahi, Kahikinui, Maui

FROM: "Biological Overview of Hawaii's Natural Area Reserve System," Department of Land and Natural Resources, Prepared by The Nature COnservancy of Hawaii, November 16, 1987.

E. Programs

The department's major purpose is to provide native Hawaiians with access to the land through homestead leases. Financial assistance to develop and maintain homesteads is also available through loan programs offerred by the department.

Our program areas include housing, land development and community and economic development. These and other areas of concern will be covered in detail in subsequent hearings.

F. Current Concerns

While the department has the land base to serve the beneficiary group, there are insufficient funds to develop the lands and provide financing. To finance infrastructure improvements, it is estimated that this cost will exceed $500 million based on 1987 costs and dollars. Loan funds to finance home construction and development of farms will also be required, with an estimated $750 million needed for this purpose.

It is also estimated that by the year 2000, the department could be serving 20,000 lessees, more than six times the number of lessees served in 1984, and about three times the number in 1987.

The DHHL land base on Oahu will soon be completely developed and more than 5,000 applications have been received for awards here. There is a need for more land in suitable locations on Oahu. The return of Hawaiian home lands held by the federal government at Lualualei, Oahu or compensation will alleviate this problem.

Our experience over the past 60 years has demonstrated that land alone cannot address native Hawaiian problems and needs. Balanced programs are needed to deal with components of a whole system. For example, the DHHL farm program requires land, water, financing ,training , technical assistance and committed native Hawaiians.

We need to explore methods in which additional financing can be provided to native Hawaiian lessees to develop their homestead lands.

The homestead land should also be treated as ancestral land, that is, handed down from generation to generation, to the heirs of the original native Hawaiian lessees. This would be culturally in keeping with Hawaiian values related to ancestors, family and land.

G. Summary

I hope that in this presentation, you have gained some awareness of the Department of Hawaiian Home Lands, our programs and its many complexities.

These hearings present an opportunity for the federal government to affirm its support of the Hawaiian Home Lands program. The program has made significant achievements from its humble beginnings. These achievements would not have been possible without the commitment and support of the State of Hawaii. Notably lacking has been the corresponding federal support of this program. In the coming days, we will be sharing with you further details of our various program areas and requesting your assistance, in funds and services, to supplement the state's efforts in moving this worthy program into the future.

ATTACHMENT I

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Description — Page

1 Summary of Congressional Actions A-1

2 Summary of Land Exchanges A-2 to A-5

3 Summary of Lands identified in §203, HHCA A-6

4 Examples:

Not affected by forest reserve or cultivated sugar cane exclusion

Kamaoa-Puueo, Ka'u, Hawaii A-7 to A-8

Forest Reserve Exclusion

Nanakuli, Oahu A-9 to A-26
Moloaa, Kauai A-27

Lack of knowledge

Kahikinui, Maui A-28 to A-36
Kalaupapa, Molokai A-37

Commission selection

Humuula, Hawaii A-38

SUMMARY OF CONGRESSIONAL ACTIONS

1) 5/16/34 Added lands situate at Auwaiolimu and Kewalo, Oahu:

Parcel 1	27.0 acres
Parcel 2	30.0 acres
Parcel 3	25.0 + acres (actual 31.60 acres)
	82.0 + Acres (actual 88.60 acres)

2) 8/29/35 Withdrew and restored 204.900 acres situate at Hoolehua-Palaau, Molokai to Territory of Hawaii.

3) 7/10/37 Added lands situate at Keaukaha:

Parcel 1	11.20 acres
Parcel 2	5.26 acres
	16.46 acres

Added 2 additional parcels of lands at Auwaiolimu/ Kewalo, Oahu:

Parcel 4	27.910 acres
Parcel 5	4.646 acres
	32.556 acres

4) 11/26/41 Amended course (1) on parcel 1 of lands of Auwaiolimu.

5) 5/31/44 Withdrew and restored a 13.527 acre parcel of Palaau, Apana 2, Molokai to Territory of Hawaii.

Withdrew and restored 4 parcels at Keaukaha to Territory of Hawaii:

Parcel 1	2.155 acres
Parcel 2	33.585 acres
Parcel 3	6.800 acres
Parcel 4	10.849 acres
	53.389 acres

6) 6/ 3/48 Added 12.455 acre parcel at Waiehu (Ili of Kou) situate at Wailuku, Maui.

7) 6/ 3/48 Added 401.423 acres of public lands under sugar-cane cultivation at Anahola to Hawaiian home lands

8) 6/12/48 Withdrew and restored 50 acre parcel situate at Keaukaha, Tract 2, to Territory of Hawaii for use by the Department of Commerce -- condition: if use cease, revert back to available land status.

9) 7/ 9/52 Withdrew and restored Parcel III, 31.60 acres, at Kalawahine, Oahu to Territory of Hawaii

Added two parcels at Auwaiolimu and Kewalo-Uka/ Kalawahine:

Parcel VI	33.880 acres
Parcel VII	13.194 acres
	47.074 acres

SUMMARY:	ADDITIONS	598.568 acres
	WITHDRAWALS	353.416 acres
	NET GAIN	245.152 acres
		+ 50.000 acres*
		295.152 acres

* Note: Quitclaim deed dated 1/20/67, USA granted back to State the 50 acres subject to a 1.73 acre 50' wide roadway easement and a 0.12 acre 10' wide overhead power and control cables easement.

1425K

Summary of Land Exchanges (as of March 31, 1987)

Date	Location	Map/ Description	AREA FROM DHHL	Location	Map/ Description	AREA TO DHHL
7-9-56	Puukapu Environ-Kamuela Airport	CSF 12243	756.395 ACS(Net)			
	Pauahi, Parcel P	CSF 12253	0.116 ACS			
	Puukapu, Parcel T, Lots 10 & 11 (Por)	CSF 12251	0.490 ACS			
	Kamoku, Parcel U, Lots 2, 3 & Road	CSF 12252	0.410 ACS			
	Nienie, Parcel W, Lot 17 (Por)	CSF 12250	0.060 ACS	Waikoloa-Waialeale	CSF 12244	1,216.000 ACS, From R. Smart
			757.471 ACS			1,216.000 ACS
11-7-56	Waimanalo:					
	Agricultural Park, Plat 2166 (Gross Area = 3180.00 ACS.)	CSF 12559	561.580 ACS(Net)	Waimanalo	CSF 12443	87.560 ACS, From DLNR
	Kawaihae Residence Lots	CSF 12444	30.885 ACS(Net)	Kekaha House Lots	Map Carton 23	19.952 ACS, From DLNR
			592.465 ACS			107.512 ACS
1-8-62	Waimanalo	CSFs 13526 & 13252	128.088 ACS			
	Auwaiolimu	CSFs 10349 & 11587	0.174 ACS			
	Kapaakea Cemetery Site	CSF 13528	2.766 ACS			
	Kamiloloa Water Tank Site and pipeline easement	CSF 13527	1.275 ACS			
	Panaewa Tract 1	CSF 13529	10.000 ACS			
	Kamoku (Hawaii Belt Road) Parcels 6, 7 & 8	CFSs 13530 to 13532	5.969 ACS			
	Waikoloa (Hawaii Belt Road) Parcel 9	CSF 13533	1.786 ACS			
	Waialeale (Hawaii Belt Road) Parcels 10, 11 & 12	CFSs 13534 to 13536	5.967 ACS			
	Kapulena (Hawaii Belt Road) Parcels 13 & 14	CFSs 13537 to 13538	7.727 ACS	Waimanalo Wailea Street Area	CSF 13550	23.707 ACS, From DLNR
	Puukapu (Hawaii Belt Road) Parcels 3 & 2A	CFSs 13556 & 13586	2.060 ACS	Paukukalo, National Guard Site	CSF 13525	61.000 ACS, From DLNR
			165.812 ACS			84.707 ACS

Summary of Land Exchanges (as of March 31, 1987)

Date	Location	Map/ Description	AREA FROM DHHL	Location	Map/ Description	AREA TO DHHL
1-8-62	Keaukaha Tract 1, Parcel 4A	CSF 13511	1.515 ACS	Panaewa (Adjacent to County Quarry Site)	CSF 13510	1.515 ACS, From DLNR
1-8-62	Keaukaha Tract 1, Parcels 1-A 1-B & 1-C	CSF 13461	151.228 ACS			
	Keaukaha Tract 2, Parcel 4	CSF 13461	41.463 ACS	Panaewa (Adjacent to County Quarry Site)	CSF 13460	192.691 ACS, From DLNR
			192.691 ACS			192.691 ACS
1-8-62	Hoolehua, Land South of Airport	CSF 13659	1,045.000 ACS	Waianae Valley, Waianae	CSF 13642	243.260 ACS, From DLNR
1-18-67	Puukapu	CSF 14127	196.414 ACS			
	Anahola (Kauai Belt Road)	CFSs 13002 to 13008 & 15072 to 15080	8.403 ACS			
	Moloaa (Kauai Belt Road)	CSF 13802	17.246 ACS			
	Keaukaha Sewer Plant	CSF 15083	4.154 ACS			
	Panaewa					
	Kaei Hana 1, Lot 54	CSF 15081	1.983 ACS			
	Keai Nana 1, Lot 55	CSF 15082	6.002 ACS			
	Kawaihae, 1st Belt Road Parcels 1 to 55	CSF 15084	20.331 ACS			
	Hoolehua, Farrington Ave. Parcels 1 to 29	CSF 15128	12.192 ACS			
	Lualualei, Mailiilii Channel & Tributary	CSF 15007	0.415 ACS	Piihonua	CSF 15008	5,078.000 ACS, From DLNR
			267.551 ACS			5,078.000 ACS

Summary of Land Exchanges (as of March 31, 1987)

Date	Location	Map/ Description	AREA FROM DHHL	Location	Map/ Description	AREA TO DHHL
8-26-85	Walakea Uka Flood Control Project					
	Parcl G	CSF 20241	3.617 ACS			
	Parcels Q, R & S	CSF 19213	7.224 ACS			
	Parcels T, V-1 & W-1	CSF 19214	9.147 ACS	Waiakea, South Hilo	CSF 20215	54.127 ACS, From DLNR
			19.988 ACS			54.127 ACS
3-25-86	Waimanalo					
	Public School (Blanche Pope)	CSF 18961	2.667 ACS			
	Nanakuli					
	Multi-School Complex	CSF 18184	65.246 ACS			
	Lualualei					
	Comprehensive Health Care Center	CSF 16770	14.352 ACS			
	Mailiilii Channel, Parcel 4	CSF 14600	1.012 ACS			
	Mailiilii Channel	CSFs 16466 & 16467	1.344 ACS	Waianae Kai, Dist. of Waianae	File Plan 1368 Lot 1 to 150	20.114 ACS, From DLNR
			84.621 ACS			20.114 ACS

Summary of Land Exchanges (as of March 31, 1987)

Date	Location	Map/ Description	AREA FROM DHHL	Location	Map/ Description	AREA TO DHHL
4-23-86	General Lyman Field, Hilo					
	AREA 5	TMK 2-1-12 Parcel 22 (Por)	87.667 ACS			
	AREA 6	TMK 2-1-12 Parcel 30	3.928 ACS			
	Kamuela Airport, Puukapu Parcel 1	TMK 6-7-01 Parcel 8 (Por)	40.682 ACS			
	Molokai Airport, Palaau					
	Tract B	TMK 5-2-04 Parcel 84 (Por)	11.176 ACS			
	Tract E-1	TMK 5-2-04 Parcel 83 (Por)	2.941 ACS			
	Tract E-2	TMK 5-2-04 Parcel 84 (Por)	0.107 ACS			
	Area 6	TMK 5-2-04 Parcel 8 (Por)	20.784 ACS			
	Area 3-A	TMK 5-2-04				
	AVIGATION EASEMENT*	Portions of Parcels 55, 57 & 102	[37.502 ACS]	Shafter Flat, Moanalua	Unit 1, lots 1 to 5 & Unit 5, Lots 6 to 20	13.822 ACS
			167.285 ACS			13.822 ACS

*Land still owned by DHHL

SUMMARY - HHL LAND EXCHANGES

CONVEYED BY LAND EXCHANGES -- (3,294.399 ACS)
ACQUIRED BY LAND EXCHANGES -- 7,011.788 ACS

NET ACREAGE GAINED/(LOSS) -- 3,717.389 ACS

SUMMARY - §203 - Public lands designated "available lands" under the
HAWAIIAN HOMES COMMISSION ACT, 1920

Location	Designated Acreage	Actual Acreage	Excess/ Deficiency
Hawaii (12 Areas)			
Kamaoa-Puueo, District of Kau	11,000 ±	11,037.38	37.38 @
Puukapu, District of South Kohala	12,000 ±	12,974.96	974.96
Kawaihae 1, " " " "	10,000 ±	10,194.09	194.09
Pauahi, " " " "	750 ±	600.00	(150.00)
Kamoku-Kapulena, District of Hamakua	5,000 ±	3,542.82	(1,457.18)
Waimanu, " " "	200 ±	200.00	
Nienie, " " "	7,350 ±	7,135.20	(214.80)
Humuula Mauka*, District of North Hilo	53,000 ±	49,100.00	(3,900.00) @
Panaewa, District of South Hilo	2,000 ±	2,000.00	
Keaaukaha, " " " "	2,000 ±	2,000.00	
Piihonua*, " " " "	2,000 ±	2,000.00	
Kaohe-Makuu*, District of Puna	2,000 ±	2,000.00	
SUBTOTAL	107,300 ±	102,784.45	(4,515.55)
* Area to be selected by Commission			
Maui (2 Areas)			
Kahikinui, District of Kahikinui	25,000 ±	22,809.27	(2,190.73) @
Public lands, District of Kula	6,000 ±	6,111.95	111.95
SUBTOTAL	31,000 ±	28,921.22	(2,078.78)
Molokai (7 Areas)			
Palaau)	11,400 ±)	15,127.00	227.00
Hoolehua)	3,500 ±)		
Kalamaula	6,000 ±	5,116.00	(884.00)
Kapaakea	2,000 ±	1,958.00	(42.00)
Kamiloloa I & II	3,600 ±	2,502.94	(1,097.06)
Makakupaia	2,200 ±	726.00	(1,474.00)
Kalaupapa	5,000 ±	1,247.00	(3,753.00) @
SUBTOTAL	33,700 ±	26,676.94	(7,023.06)
Oahu (3 Areas)			
Nanakuli, District of Waianae	3,000 ±	2,362.28	(637.72) @
Lualualei, " " "	2,000 ±	1,941.70/1	(58.30)
Waimanalo**, District of Koolaupoko	4,000 ±	2,546.19	(1,453.81)
SUBTOTAL	9,000 ±	6,850.17	(2,149.83)
**Also excludes beach lands and military reservation; /1 - 1,343 acres under federal control			
Kauai (3 Areas)			
Waimea (Upper lands), District of Waimea	15,000 ±	15,061.00	61.00
Moloaa,	2,500 ±	333.22	(2,166.78) @
Anahola/Kamalomalo,	5,000 ±	2,779.27	(2,220.73)
SUBTOTAL	22,500 ±	18,173.49	(4,326.51)
TOTAL (27 Areas)	203,500 ±	183,406.27	(20,093.73)

183,406.270
3,717.389 Net LEx
295.152 Net Cong.
187,418.811 Acres

1555K CURRENT INVENTORY - (34 AREAS) 187,419 ± Acres

INDEX

1) **KAMAOA-PUUEO, KAU, HAWAII**
HHCA §203(1) Kamaoa-Puueo--11,000± acres, in the district of Kau.

Testimony of Senator John Wise, February [illegible], 1920, before the House Committee on the Territories, p. 140:

> "MR. WISE. The first piece of land is Kamaoa-Puueo, on the island of Hawaii, in the district of Kau, 11,140 acres leased to the Waiohinu Agricultural and Grazing Co. The lease is for 21 years and expires May 21, 1929. It contains a withdrawal clause.
>
> GOVERNOR McCARTHY. What is the annual rental?
>
> MR. WISE. $200."

b) 5/18/08 GL No. 631 to Waiohinu Agricultural and Grazing Co., for a term of 21 years commencing 10/1/08, at an annual rental of $1,001 payable semi-annually covering approximately 12,700 acres.

b) 12/4/08 Presidential Proclamation No. 830 setting aside 10.02 acres for lighthouse purposes.

c) 10/19/09 Kamaoa Homesteads subdivision surveyed.

d) 1962 Complaint and Judgment (in condemnation) USA vs. 6.976 acres of land, USDC, Civil No. 2017, taking 5.739 acres and easements.

Land Inventory Summary:

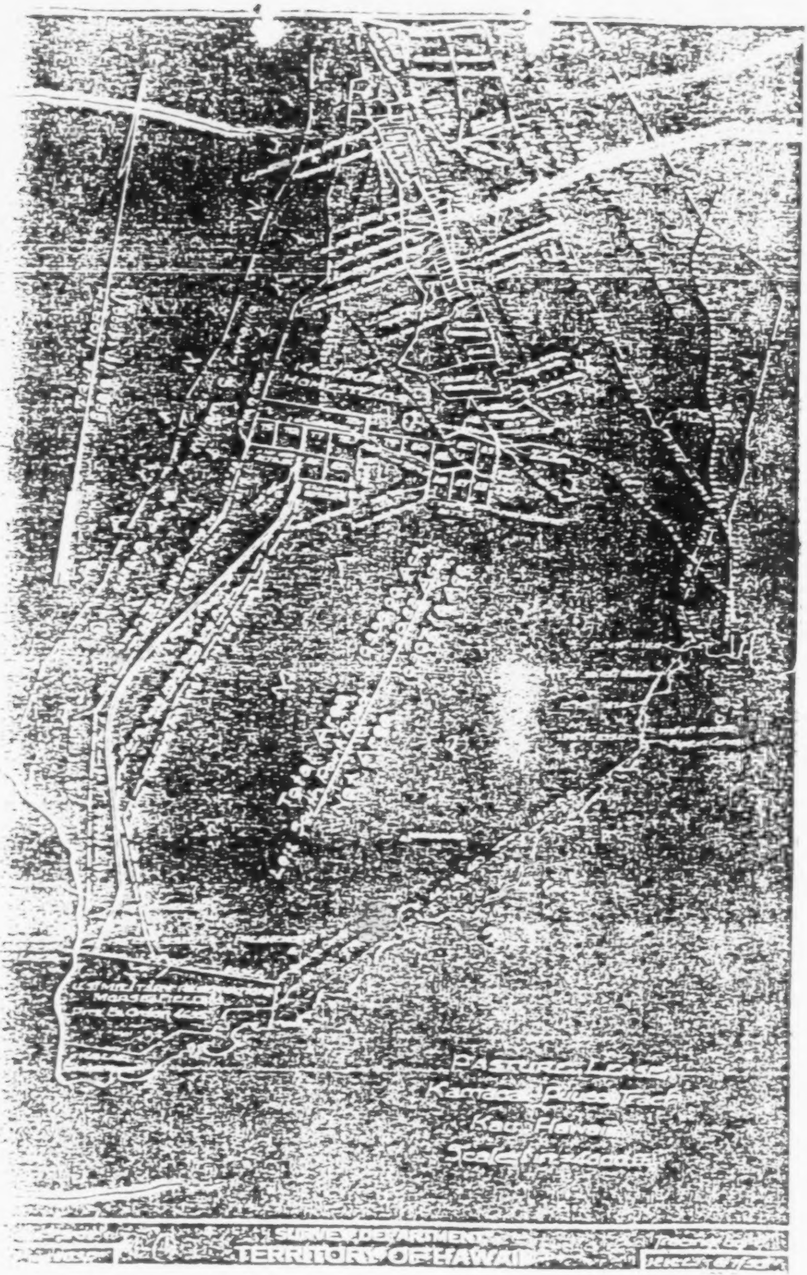
CSF 11,034	10,338.00 acres
CSF 4445 (GEO #258)	517.20
CSF 9146 (GEO #869)	182.18
	11,037.38 acres
Less: (US condemnation)	5.74
Inventory	11,031.64 acres

Tax Map Key References: Third Taxation District

9-3, 9-3-01

Map References:

See HTS Plat 105
Plat 9.0 H.H.
Kamaoa Homesteads Subdivision map


PASTURE LEASE
Kamaoa Puueo Tract
Kau Hawaii
SURVEY DEPARTMENT
TERRITORY OF HAWAII

INDEX

25)	**NANAKULI, WAIANAE, OAHU** HHCA §203(4)	Nanakuli--3,000± acres, in the district of Waianae.
a)	8/24/12	GL 785 to Oahu Railway and Land Company for a term of 15 years from 9/1/12 at an annual rental of $2,980, payable semi-annually, covering 2,350 acres in Nanakuli.
b)	6/4/13	Governor's Proclamation establishing, among others, the NANAKULI FOREST RESERVES, and setting aside 1,010 acres as forest reserve. (See OAHU--FOREST RESERVES folder.)
c)	3/28/17	Presidential Executive Order No. 2564 set aside 31.36 acres in Nanakuli for military purposes.
d)	6/27/21	Governor's Executive Order No. 104 set aside 36.0 acres, more or less, of Nanakuli beach lands as public park.
e)	10/17/30	Governor's Proclamation adding 1,308 acres to the NANAKULI FOREST RESERVE. (See OAHU--FOREST RESERVES folder.)
f)	3/25/33	Governor's Executive Order No. 563 setting aside 5.13 acres to the Department of Public Instruction for proposed Nanakuli school. (See EXECUTIVE ORDERS--OAHU folder.)
g)	5/22/44	Governor's Executive Order No. 1068 withdrew 1,530 acres from the forest reserve which included 1,128 acres of Hawaiian home lands.
h)	11/2/45	Governor's Executive Order No. 1124 to the Park Board, City and County of Honolulu, for addition to Nanakuli Beach Park--4.09 acres. (See EXECUTIVE ORDERS--OAHU folder.)
i)	6/25/47	Governor's Executive Order No. 1194 setting aside 1.56 acres for addition to Nanaikapono School. (See EXECUTIVE ORDERS--OAHU folder.)
j)	6/25/47	Governor's Executive Order No. 1195 setting aside 6.986 acres for addition to the Nanakuli Beach Park. (Though GEO #1195 not cancelled, GEO #1579 and GEO #1725 effectively negates it.)
k)	9/9/53	Governor's Executive Order No. 1579 withdrawing 1,000 square feet from Governor's Executive Order No. 1195 and sets same aside as an addition to the Nanaikapono School. (See EXECUTIVE ORDERS--OAHU folder.)
l)	3/21/56	Governor's Executive Order No. 1725 withdrawing 6.963 acres from operation of GEO 1195 and sets same aside for an addition to the Nanaikapono School. (See EXECUTIVE ORDERS--OAHU folder.)

Land Inventory Summary:

Mauka Portion

CSF 2367 (Revised 8/6/27)	Gross Area	2,320.00 acres
of which:		
CSF 17,486	1,126.00 acres	
Plat 19.7 H.H.	486.70 "	
Forest Reserve	180.00 "	
Balance in homestead or related uses	527.30 "	
		2,320.00 acres

Makai Portion (A)

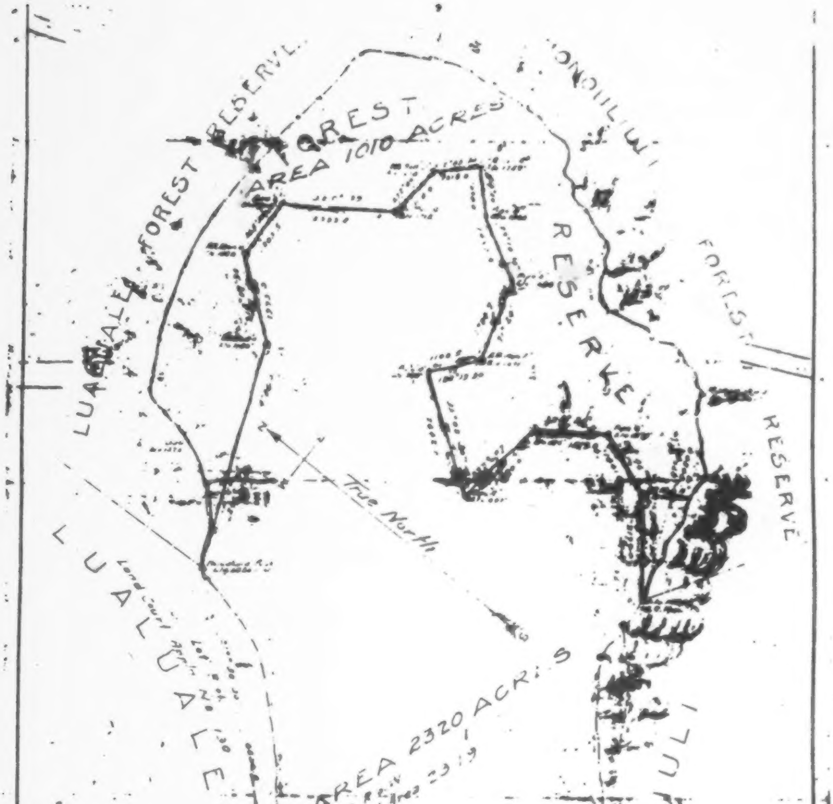
GEO # 563	5.13 acres	
GEO #1124	4.09 "	
GEO #1194	1.56 "	
GEO #1579	0.02 "	
GEO #1725	6.963 "	
		17.763 acres

Makai Portion (B)

Homestead & related uses		24.515 acres
3/25/86 [illegible]	Inventory	~~2,362.280~~ acres [illegible] 2,377.030

Tax Map Key References:

8-9, 8-9-01 to 8-9-14, inclusive.


LUALUALEI FOREST RESERVE
FOREST
AREA 1010 ACRES
HONOULIULI
RESERVE
FOREST
RESERVE
True North
LUALUALEI
AREA 2320 ACRES
HONOULIULI
SEA
Hawaii Territory Survey
Surveyor
NANAKULI PASTURE LAND
and
FOREST RESERVE
WAIANAE OAHU
Scale 1inch - 2000 feet
July 1912
File with CSF 2367

A-11

✓

PROCLAMATION

OF

FOREST RESERVES

IN THE

DISTRICTS OF WAIANAE AND WAIALUA

CITY AND COUNTY OF HONOLULU

ISLAND OF OAHU ②

TERRITORY OF HAWAII

UNDER and by virtue of the authority vested in me by the provisions of Chapter 28 of the Revised Laws of Hawaii, as amended by Act 65 of the Session Laws of 1905, and by Act 4 of the Session Laws of 1907, and of every other power me hereunto enabling, I, WALTER F. FREAR, Governor of Hawaii, with the approval of a majority of the Board of Commissioners of Agriculture and Forestry, having held the hearing of which notice has been duly given as in said acts provided, do hereby RECOMMEND AND APPROVE as forest reserves to be called respectively the Nanakuli, the Makua-Keaau and the Kuaokala Forest

#1

Reserves, those certain pieces of government and privately owned land in the Districts of Waianae and Waialua, Island of Oahu, which may be described roughly as being the upper ends of the valleys bearing those names and the mauka part of the government land of Kuaokala, and containing respectively areas of 1010 acres, 4716 acres and 434 acres, more or less, in the Districts of Waianae and Waialua, City and County of Honolulu, Island of Oahu, Territory of Hawaii, more particularly described by and on maps made by the Government Survey Department of the Territory of Hawaii, which said maps are now on file in the said Survey Department marked respectively Government Survey Registered maps No 2535, "Nanakuli Forest Reserve," No. 2407 "Makua-Keaau Forest Reserve," and No. 2532 "Kuaokala Forest Reserve," and descriptions accompanying the same, numbered respectively C. S. F. Nos. 2366, 2396 and 2364, which said descriptions now on file in the said Survey Department are as follows:

NANAKULI FOREST RESERVE

Waianae, Oahu.

C.S.F. No. 2366

Beginning at Government Survey Trig. Station "Manawahua" on the ridge separating the lands of Nanakuli and Honouliuli, as shown on Government Survey Registered Map No. 2535, and running by true azimuths: -

1. Along down the ridge separating the lands of Nanakuli and Honouliuli to an iron pipe at the West corner of the proposed Honouliuli Forest Reserve the direct azimuth and distance being 67° 08' 4420.0 feet;
2. 231° 26' 30" 2179.0 feet along Nanakuli pasture land to a forest reserve monument on spur;
3. 202° 46' 1441.0 feet along Nanakuli pasture land to a pipe on ridge;
4. 144° 20' 1519.0 feet along Nanakuli pasture land to a forest reserve monument on ridge;

5. 97° 07' 1970.0 feet along Nanakuli pasture land to a pipe on end of spur;

6. 215° 02' 30" 2642.0 feet along Nanakuli pasture land to a pipe on end of spur;

7. 308° 19' 30" 1108.5 feet along Nanakuli pasture land to a forest reserve monument on spur;

8. 251° 24' 1784.7 feet along Nanakuli pasture land to a pipe on small spur;

9. 209° 14' 30" 1452.8 feet along Nanakuli pasture land to a pipe on small spur;

10. 224° 59' 1094.0 feet along Nanakuli pasture land to a forest reserve monument on small spur;

11. 132° 03' 30" 1019.0 feet along Nanakuli pasture land to a forest reserve monument on small spur;

12. 92° 49' 1119.4 feet along Nanakuli pasture land to a forest reserve monument on spur;

13. 145° 39' 2333.8 feet along Nanakuli pasture land to a pipe on small spur;

14. 85° 50' 30" 1263.5 feet along Nanakuli pasture land to a forest reserve monument on small spur;

15. 38° 09' 30" 1973.0 feet along Nanakuli pasture land to a forest reserve monument on spur;

16. 66° 43' 4785.0 feet along Nanakuli pasture land to Heleakala Peak on the ridge separating the lands of Nanakuli and Lualualei, said peak being the South corner of the Lualualei Forest Reserve;

17. Thence up along the ridge separating the lands of Nanakuli and Lualualei, along the Lualualei Forest Reserve, the direct azimuth and distance being 226° 58' 30" 6176.4 feet;

18. Thence still up along the ridge separating the lands of Nanakuli and Lualualei, along the Lualualei Forest Reserve, to a peak called Palikea, at the intersection of the ridges forming the boundaries of the lands of Lualualei, Nanakuli and Honouliuli, the direct azimuth and distance being 267° 10' 6280.0 feet;

19. Thence down along the ridge separating the lands of Nanakuli and Honouliuli, along the proposed Honouliuli forest reserve, the direct azimuth and distance being 350° 25' 4505.0 feet to a peak called Mauna Kapu;

20. Thence still down along the ridge separating the lands of Nanakuli and Honouliuli, along the proposed Honouliuli Forest Reserve, the direct azimuth and distance being 22° 31' 6219.0 feet to the point of beginning.

Area 1010 Acres.

MAKUA-KEAAU FOREST RESERVE.

District of Waianae

Island of Oahu

C. S. F. No. 2396.

Beginning at a 1½ inch pipe at the base of pali on the boundary between Keaau and Makaha, the coordinates of said pipe referred to Government Survey Trig. Station "Kepuhi" being 2278.5 feet North and 462.0 feet West, and the true azimuth to a + in coral rock at sea on the boundary between Keaau and Makaha being 69° 58' distance 1263.7 feet, as shown on Government Survey Registered Map No. 2407, and running by true azimuths: -

1. Along the base of the pali to a 1½ inch pipe on rocky ledge, the direct azimuth and distance being 192° 13' 2926.0 feet;
2. 170° 32' 1355.5 feet to a 1½ inch pipe on rocky point;
3. 219° 05' 911.7 feet to a 1½ inch pipe;
4. 173° 32' 976.7 feet to a 1½ inch pipe on rocky point;
5. 217° 46' 1314.5 feet to a + on solid rock;
6. 288° 16' 3693.0 feet to a 1½ inch pipe;
7. 270° 53' 1831.0 feet to a 1½ inch pipe;
8. 176° 25' 2766.0 feet across Keaau Valley to a 1½ inch pipe;
9. 115° 40' 1302.5 feet across the land of Chikilolo to a 1½ inch pipe;
10. 104° 43' 2210.0 feet to a 1½ inch pipe on spur;
11. 121° 50' 3861.0 feet to a 1½ inch pipe at the base of pali;
12. Thence along base of pali crossing Chikilolo-Makua boundary to a 1½ inch pipe on spur in Makua Valley.

the direct azimuth and distance being:- 196° 42' 2116.0 feet;

13. 283° 00' 3931.3 feet to a 1½ inch pipe at small pali at end of fence;

14. Thence along fence and wall, the direct azimuth and distance being 179° 46' 915.0 feet;

15. 247° 37' 346.0 feet on spur to a 1½ inch pipe;

16. 274° 46' 5052.8 feet to a 1½ inch pipe;

17. 259° 46' 30" 830.3 feet to a 1½ inch pipe;

18. 202° 25' 3811.1 feet across Makua Valley to a 1½ inch pipe;

19. 72° 00' 2237.2 feet to a 1½ inch pipe;

20. 104° 05' 30" 5471.3 feet to a 1½ inch pipe on spur being the boundary between Makua and Kahanahaiki;

21. 204° 00' 2545.5 feet to a + on large solid rock;

22. 158° 34' 1788.5 feet to a 1½ inch pipe on small spur;

23. 70° 11' 30" 3632.0 feet to a 1½ inch pipe on spur;

24. 70° 50' 2774.5 feet to a 1½ inch pipe on pali point;

25. Thence across Kahanahaiki along the base of pali to a + on solid rock on the boundary between Keawaula and Kahanahaiki, the direct azimuth and distance being: 135° 33' 3868.0 feet;

26. Thence up center of ridge along Keawaula, and thence along center of the main Waianae Range along Kuaokala, Kealia, Kawaihapai, and Mokuleia, to the junction of the Makua, Mokuleia, and Makaha boundaries, the direct azimuth and distance being:- 295° 00' 23320.0 feet;

27. Thence down center of ridge dividing Makaha and Keaau to the point of beginning, the direct azimuth and distance being 55° 12' 21480.0 feet;

Total area 4716 Acres.

KUAOKALA FOREST RESERVE.

Waialua District, Island of Oahu.

C.S.F. No. 2364.

G.S.R. Map No. 2532.

Beginning at Government Survey Trig. Station "Kakakoa" and running by true azimuths:

1. 169° 50' 711.5 feet along government land to fence corner;
2. 80° 14' 1927.5 feet along government land;
3. 62° 43' 30" 793.8 feet along government land to a 1 inch iron pin;
4. 152° 22' 30" 1194.2 feet along government land to a 3 x 3 redwood post;
5. 121° 26' 1727.4 feet along government land to a 3 x 3 redwood post;
6. 125° 17' 30" 2462.2 feet along government land to a 3 x 3 redwood post;
7. 58° 34' 601.8 feet along government land;
8. 2° 15' 1209.5 feet along government land to a 1½ inch iron pin;
9. 328° 43' 40" feet along government land to an iron pin;
10. 307° 23' 40" 1623.3 feet along government land;
11. 201° 03' 40" 945.1 feet along government land;
12. 295° 00' 2852.2 feet along government land;
13. 269o 59' 993.9 feet along government land;
14. 207° 49' 1348. feet along government land;
15. 173° 00' 900.0 feet to the point of beginning.

Area 434 Acres.

AND as provided by law, subject to the existing leases, I do hereby SET APART as the Nanakuli Forest Reserve that portion of the Government land of Nanakuli (1010 acres) that lies within the metes and bounds of the above described Nanakuli Forest Reserve; as parts of the Makua-Keaau Forest Reserve those portions of the government lands of Keaau (1850 acres), Makua (1556 acres) and Kahanahaiki (970 acres), altogether an area of 4376 acres, more or less, that lie within the metes and bounds of the above described Makua-Keaau Forest Reserve; and as the Kuaokala Forest Reserve those portions of the government lands of Kuaokala (Kaena) and Keawaula (434 acres) that lie within the metes and bounds of the Kuaokala Forest Reserve.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the Territory of Hawaii to be affixed.

DONE at the Capitol in Honolulu, this 4th day of June A.D. 1913.

W. F. Frear

Governor of Hawaii.

the Gove

Secretary of Hawaii.

1917

Executive Order 2564

(3)

ORDER OF WITHDRAWAL.

With the consent of the Government of the Territory of Hawaii, it is hereby ordered that the following described lands at Nanakuli, District of Waianae, Island of Oahu, Territory of Hawaii, be, and the same are hereby, withdrawn and set aside for military purposes.

I. Beginning at Station No. 1, marked by a standard concrete monument, which station is situated on the Northern boundary of the Oahu Railway & Land Company's right of way, said station being distant 52.5 feet, in a Southeasterly direction along said right of way, from the Southeast edge of the Nanakuli Railway Station; said Station No. 1 being located by the following azimuths:

To Territorial Triangulation Station "Puu o Hulu Makai," 130° 13′ 00″.
To Territorial Triangulation Station "Manawahua", 264° 02′ 00″.

From said Station No. 1 the boundary runs by true azimuths and distances:—

245° 45′. 198.34 feet along the land of Nanakuli to Station No. 2, marked by a standard concrete monument; thence
224° 44′. 999 66 feet along the land of Nanakuli to Station No.-3, marked by a standard concrete monument; thence
314° 44′. 1207 97 feet along the land of Nanakuli to Station No. 4, marked by a standard concrete monument; thence
50° 34′. 1190 92 feet along the land of Nanakuli to Station No. 5, marked by a standard concrete monument, said station being situated on the Northern boundary of the Oahu Railway & Land Company's right of way; thence
134° 44′. 1158.08 feet along the Oahu Railway & Land Company's right of way to the point of beginning.

Containing an area of 31.36 acres, more or less.

II. The standard concrete monument consists of concrete in the shape of a truncated pyramid having an upper base 8 inches square and a lower base 12 inches square. In the center of the upper base is set a brass plate 3 inches square.

WOODROW WILSON

THE WHITE HOUSE,
28 March, 1917.

[No. 2564.]

4✓

Territory of Hawaii,

Office of the Government Survey.

Honolulu, T. H.,

Proposed Brigade Camp Site,
Nanakuli, Waianae, Oahu.

Beginning at Station No.1, marked by a concrete monument, which station is situated on the Northern boundary of the Oahu Railway and Land Company's right-of-way, said station being distant 52.5 feet, in a Southeasterly direction along said right-of-way, from the Southeast edge of the Nanakuli Railway Station; said Station No.1 being located by the following azimuths:-

To Territorial Triangulation Station ~~"Puu Ohulu West"~~ "Puu o Hulu Makai" 130° 13'
To Territorial Triangulation Station "Manawahua" - 26[illegible]° 02'

From said Station No.1 the boundary runs by true azimuths and distances:-

245° 45'	198.34	feet along the land of Nanakuli to Station No.2; thence
224° 44'	999.66	feet along the land of Nanakuli to Station No.3; thence
314° 44'	1207.97	feet along the land of Nanakuli to Station No.4; thence
50° 34'	1190.92	feet along the land of Nanakuli to Station No.5; which station is situated on the Northern boundary of the Oahu Railway and Land Company's right-of-way; thence
134° 44'	1158.08	feet along the Oahu Railway and Land Company's right-of-way to the point of beginning.

Area 31-36/100 Acres, more or less.

Compared December 28, 1916.

Assistant.

N S E W [illegible]

Executive Order No. 10[illegible]

Setting Aside Land for Public Purposes

[illegible]

I, C. J. McCarthy, Governor of the Territory of Hawaii, by virtue of the authority vested in me by the last paragraph of Section 5 of the Act of Congress approved May 27, 1910, entitled "An Act to Amend an Act Entitled 'An Act to Provide a Government for the Territory of Hawaii,' approved April Thirtieth, Nineteen Hundred," and every other authority me hereunto enabling, do hereby order that the following described land be and the same is hereby set aside for public purposes, to-wit, for a public park.

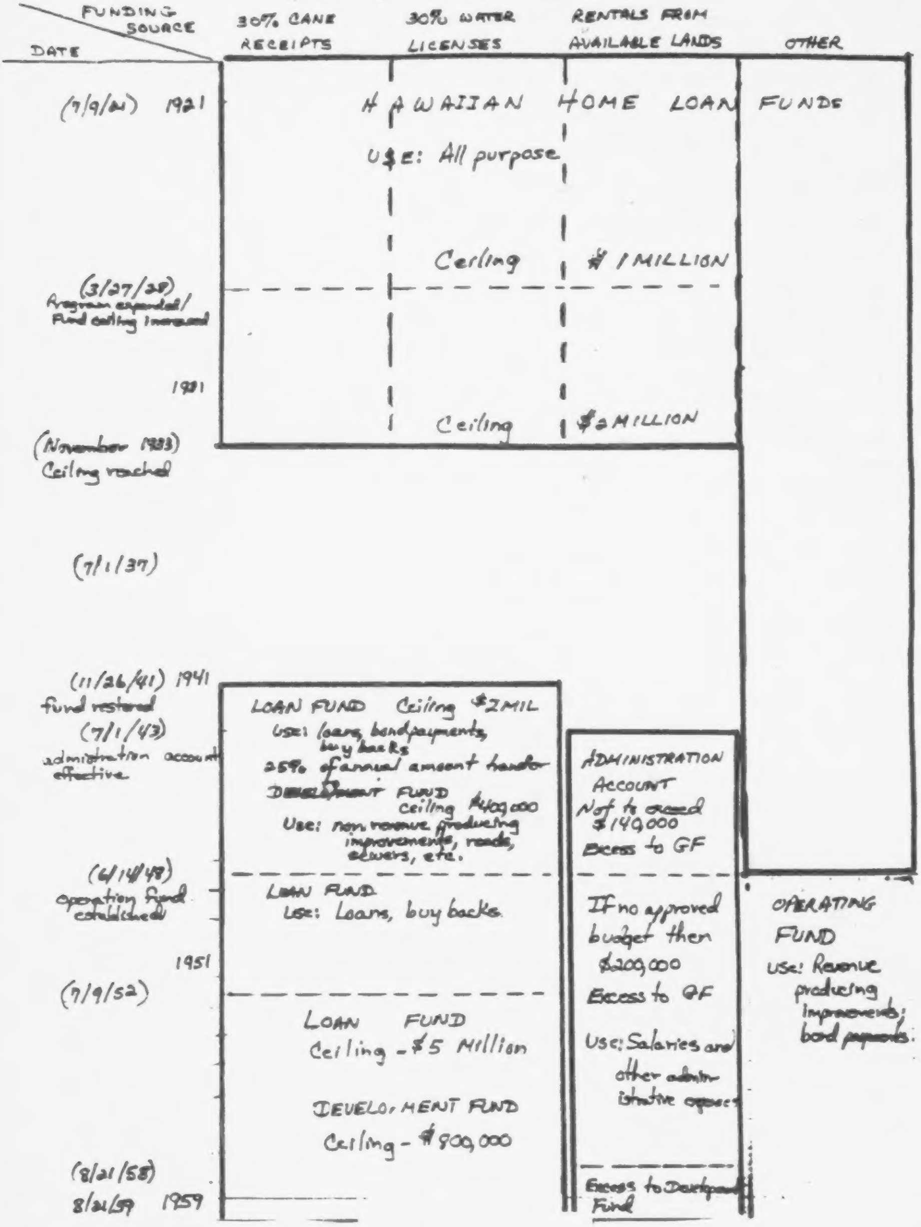
NANAKULI BEACH PARK.

Being portions of the Government Lands of Nanakuli and Lualualei, Waianae, Oahu, T. H.

Beginning at the North corner of this piece of land, on the Southwest side of the Oahu Railway and Land Company's 40 foot right-of-way, the co-ordinates of said point referred to Government Survey Triangulation Station "Puu o Hulu makai" being 6236.0 feet South and 7509.4 feet East, and the true azimuth and distance to a 1-1/2 inch galvanized iron pipe, at the South corner of Lot 2[illegible], of the Lualualei Homesteads, on the Northeast side of 50 foot Government Road to Waianae, being 218° 53' 30" 90.46 feet, and running by true azimuths from the above described initial point:-

1. 314° 42' 770.0 feet along the Southwest side of the Oahu Railway and Land Company's 40 foot right-of-way, parallel to and 20 feet distant from center line of track;
2. 44° 42' 245.0 feet, more or less, along the remainder of the land of Nanakuli;
3. 345° 27' 685.0 feet along same;
4. 296° 35' 640.0 feet along same;
5. 325° 15' 455.0 feet along same;
6. 258° 30' 122.0 feet along same;
7. 224° 42' 373.0 feet along same to the Southwest side of the Oahu Railway and Land Company's 40 foot right-of-way;
8. Thence along the Southwest side of the Oahu Railway and Land Company's 40 foot right-of-way, parallel to and 20 feet distant from center line of track, the direct azimuth and distance being 320° 25' 1650.0 feet,

THE FUNDING §213. HHCA


FUNDING SOURCE
DATE
30% CANE RECEIPTS
30% WATER LICENSES
RENTALS FROM AVAILABLE LANDS
OTHER
(7/9/21) 1921
HAWAIIAN HOME LOAN FUNDS
U$E: All purpose
Ceiling $1 MILLION
(3/27/28) Program expanded/ Fund ceiling increased
1931
Ceiling $2 MILLION
(November 1933) Ceiling reached
(7/1/37)
(11/26/41) 1941 fund restored
(7/1/43) administration account effective
LOAN FUND Ceiling $2 MIL
Use: loans, bond payments, buy backs
25% of annual amount transfer
DEVELOPMENT FUND ceiling $400,000
Use: non revenue producing improvements, roads, sewers, etc.
ADMINISTRATION ACCOUNT
Not to exceed $140,000
Excess to GF
(6/14/48) operation fund established
LOAN FUND
Use: Loans, buy backs
If no approved budget then $200,000
Excess to GF
OPERATING FUND
Use: Revenue producing improvements; bond payments.
1951
(7/9/52)
LOAN FUND
Ceiling - $5 Million
DEVELOPMENT FUND
Ceiling - $800,000
Use: Salaries and other administrative expenses
(8/21/58)
8/21/59 1959
Excess to Development Fund

9. 59° 35' 555.0 feet along the remainder of the land of Nanakuli;

10. 10° 10' 259.0 feet along same;

11. 351° 00' 385.0 feet along the remainder of the land of Nanakuli;

12. 326° 45' 165.0 feet along same;

13. 242° 35' 420.0 feet along same;

14. 316° 07' 950.0 feet along same;

15. 12° 30' 280.0 feet along same;

16. 324° 30' 180.0 feet along same;

17. 267° 30' 225.0 feet along same;

18. 239° 30' 185.0 feet, more or less, to the Southwest side of the Oahu Railway and Land Company's 40 foot right-of-way;

19. Thence along the Southwest side of the Oahu Railway and Land Company 40 foot right-of-way, parallel to and 20 feet distant from the center line of track, the dire azimuth and distance 338° 00' 430.0 feet;

20. 44° 40' 30.0 feet, more or less, along the land of Honouliuli to high water mark at sea shore;

21. Thence following along high water mark, at sea shore, in all its tur and windings, the direct azimuth and distance being 142° 10' 6650.0 feet;

22. 218° 53' 30" 65.0 feet, more or less, along U. S. Military Reservation of Lualualei to the point of beginning and containing an area of 36.0 acres, a little mor or less.

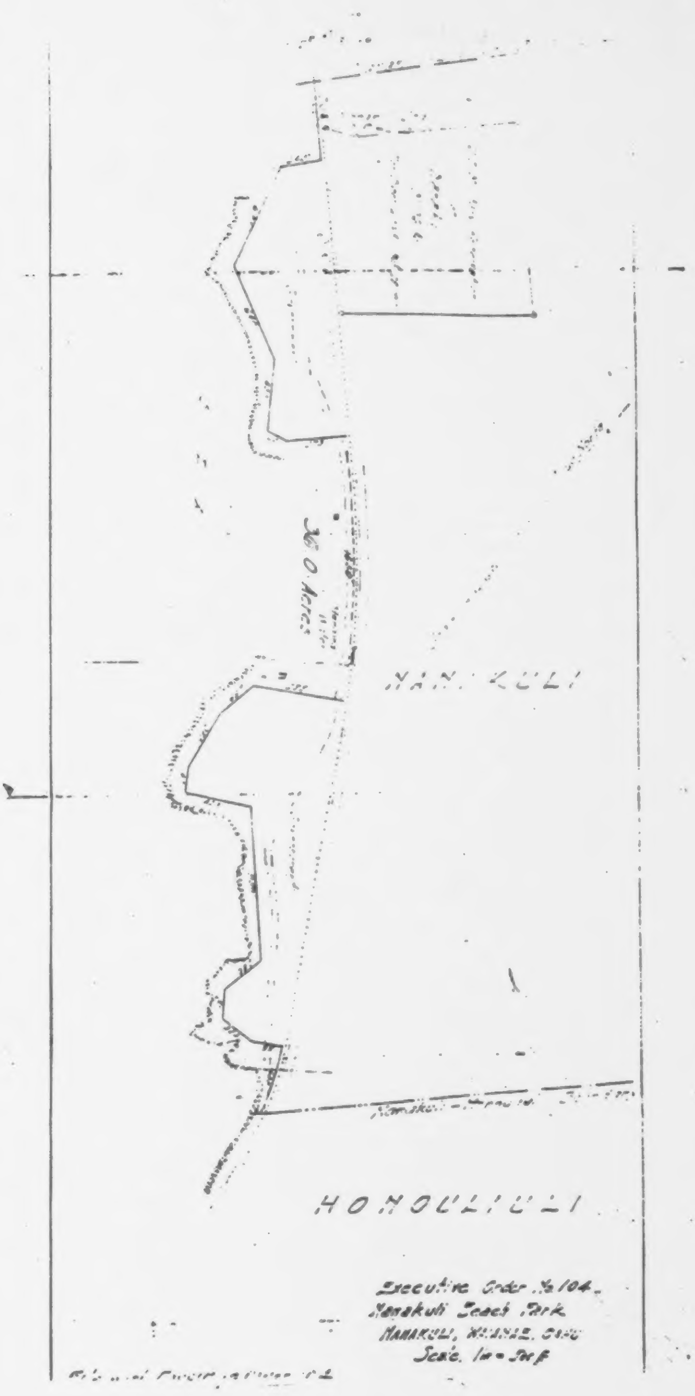
In Witness Whereof, I have hereunto set my hand and caused the Great Seal of the Territory of Hawaii to be affixed.

Done at the Capitol at Honolulu this 27th day of J U N E, Nineteen Hundred and Twenty One.

C J McCarthy

By the Governor,

Curtis P. Iaukea
Secretary of Hawaii.


36.0 Acres
NANAKULI
HONOULIULI
Executive Order No 104
Nanakuli Beach Park
NANAKULI, WAIANAE, OAHU
Scale 1in = 200 ft

Executive Order 2524

WHEREAS, by Executive Order No. 2564 dated March 28, 1917, certain lands, containing an area of 31.36 acres, more or less, at Nanakuli, District of Waianae, Island of Oahu, Territory of Hawaii, were withdrawn and set aside for military purposes;

WHEREAS, the initial point of beginning of the description contained in said Executive Order was erroneously given therein and should be amended in such respect as hereinafter provided: and

WHEREAS, the Territory of Hawaii, in connection with the relocation of a certain road in order to secure a better grade and alignment, desires a right of way as hereinafter provided over a portion of the lands set aside by said Executive Order, which is no longer required for military purposes;

NOW, THEREFORE, pursuant to the authority vested in me by Section 91 of the Act of Congress approved April 30, 1900 (31 Stat. 141), entitled "An Act to provide a government for the Territory of Hawaii," as amended by Section 7 of the Act of Congress approved May 27, 1910 (36 Stat. 443), it is hereby ordered that the description contained in said Executive Order No. 2564, dated March 28, 1917, be, and the same is hereby amended to read as follows:

> Beginning at Station No. 1, marked by a standard concrete monument on the northern boundary of the Oahu Railway and Land Company's right of way, the coordinates of said point of beginning referred to Territorial Triangulation Station "Puu O Hulu, Makai" being 6700.7 feet south and 7929.4 feet east, with azimuths as follows:
>
> | | |
> |---|---|
> | To Territorial Triangulation Station "Puu O Hulu, Makai" | 130° 11′ 58″ |
> | To Territorial Triangulation Station "Manawahua" | 264° 00′ 34″ |
>
> From said point of beginning running by true azimuths and distances as follows:
>
> 1. 245° 45′ 198.34 feet along the land of Nanakuli to Station No. 2, marked by a standard concrete monument; thence
> 2. 224° 44′ 999.66 feet along the land of Nanakuli to Station No. 3, marked by a standard concrete monument; thence
> 3. 314° 44′ 1207.97 feet along the land of Nanakuli to Station No. 4, marked by a standard concrete monument; thence
> 4. 50° 34′ 1190.32 feet along the land of Nanakuli to Station No. 5, marked by a standard concrete monument; said station being situated on the northern boundary of the Oahu Railway & Land Company's right of way; thence
> 5. 134° 44′ 1158.05 feet along the Oahu Railway & Land Company's right of way to the point of beginning.
>
> Containing an area of 31.36 acres, more or less.
>
> The standard concrete monument consists of concrete in the shape of a truncated pyramid having an upper base 8 inches square and a lower base 12 inches square. In the center of the upper base is set a steel plug.

It is further ordered that the following described portion of the above land be, and the same is hereby restored to its previous status for the use of the Territory of Hawaii for road purposes:

> Beginning at the same point as the point of beginning in the preceding description and running by true azimuths and distances as follows:

1. 243° 45′ 33.17 feet across the new road right of way and being a portion of the first course in preceding description.
2. 314° 44′ 1144.08 feet along the mauka side of the new road right of way, being 70 feet, more or less, distant from and parallel to the center line of the Oahu Railway & Land Company's railroad track;
3. 50° 34′ 49.59 feet across the new road right of way and being a portion of the fourth course in preceding description.
4. 134° 44′ 1153.08 feet along the makai side of the new road right of way, being 20 feet, more or less, distant from and parallel to the center line of the Oahu Railway and Land Company's railroad track; being also the fifth course in preceding description.

Containing an area of 57,128 square feet.

Provided that if the land transferred by this instrument is not used for road purposes as above indicated, or if at any time thereafter it shall cease to be used for such purposes, then it shall revert to its former status as a part of the Nanakuli Military Reservation.

CALVIN COOLIDGE

THE WHITE HOUSE,
September 4, 1926.

[No. 4504]

INDEX

31) **MOLOAA, KAUAI**
HHCA §203(5) Moloaa--2,500± acres.

Testimony of Senator John Wise before the House Committee on Territories on February 10, 1920, p. 146:

> "THE CHAIRMAN. The next piece of land?
> MR. WISE. There is nothing here on the record concerning Moloaa.
> GOVERNOR McCARTHY. I think that was Hui land.
> MR. IRWIN. Some Government and some Hui land.
> THE CHAIRMAN. Five thousand acres was Government land?
> MR. WISE. Yes."

a) 6/5/09 Governor's Proclamation establishing the MOLOAA FOREST RESERVE and setting aside 2,190 acres of Papaa-Moloaa as forest reserve. (See KAUAI--FOREST RESERVES folder.)

b) 7/1/13 GL No. 792 to Charles A. Rice for a term of 15 years commencing 7/13/13 at an annual rental of $89.50 covering 358 acres of the Papaa-Moloaa Tract.

c) 10/13/13 Governor's Proclamation revising and modifying the boundaries of the MOLOAA FOREST RESERVE which now showed on the map Moloaa-Papaa acreage as 2,160. (See KAUAI--FOREST RESERVES folder.)

d) 10/17/30 Governor's Proclamation revising and modifying the boundaries of the MOLOAA FOREST RESERVE which now showed on the map the Aliomanu-Papaa-Moloaa acreage as 2,270 acres. (See KAUAI--FOREST RESERVES folder.)

e) 1/18/67 HHC exchanged 17.246 acres. (Kauai Belt Road.) (See LAND EXCHANGE FOLDER VI.)

Land Inventory Summary:

CSF 9942		333.216 acres
Less:	'67 L. Exchange	17.250 "
	Inventory	315.970 acres

Tax Map Key Reference: Fourth Taxation District

4-9, 4-9-01, 10.

INDEX

14) **KAHIKINUI, MAUI**
HHCA §203(2) Kahikinui - 25,000 acres ± acres in the district of Kahikinui.

Testimony of Senator John Wise, February 10, 1920, before the House Committee on the Territories, p. 144 and 145:

> "MR. WISE. Kahikinui, 25,000 acres.
> THE CHAIRMAN. That is leased to whom?
> MR. WISE. That is leased to J. H. Raymond.
> THE CHAIRMAN. When was it leased and when does the lease expire?
> MR. WISE. The lease expired in 1902. Consequently there is no withdrawal clause in that.
> THE CHAIRMAN. No withdrawal clause?
> MR. WISE. No.
> THE CHAIRMAN. How long does that lease run?
> MR. WISE. 1923.
> THE CHAIRMAN. How much a year?
> MR. WISE. $500.
> THE CHAIRMAN. What is it being used for at the present time?
> MR. WISE. As a cattle ranch."

a) 9/20/02 GL 541 to James H. Raymond for a term of 21 years commencing 9/20/02 at an annual rental of $500, payable semi-annually, covering 25,000 acres, more or less.
(Note: GL No. 215 dated 1/22/1876, GL 422 dated 2/1/1891 and GL 528 dated 1/00 were the predecessors to the above lease.)

b) 11/8/22 GL 1458 to James H. Raymond, et al., for a term of 21 years commencing 9/21/23 at an annual rental of $1,267 payable semi-annually covering the lower portion of Kahikinui containing 12,655 acres.

c) 12/22/28 Governor's Proclamation establishing the Kahikinui Forest Reserve and setting 8,747 acres of Kahikinui as a part of the forest reserve. (See MAUI--FOREST RESERVE folder.)

d) 11/10/42 GL 2921 issued to Ulupalakua Ranch, Limited for a term of 21 years commencing 9/21/44 at an annual rental of $1,267 payable semi-annually covering 14,255 acres.

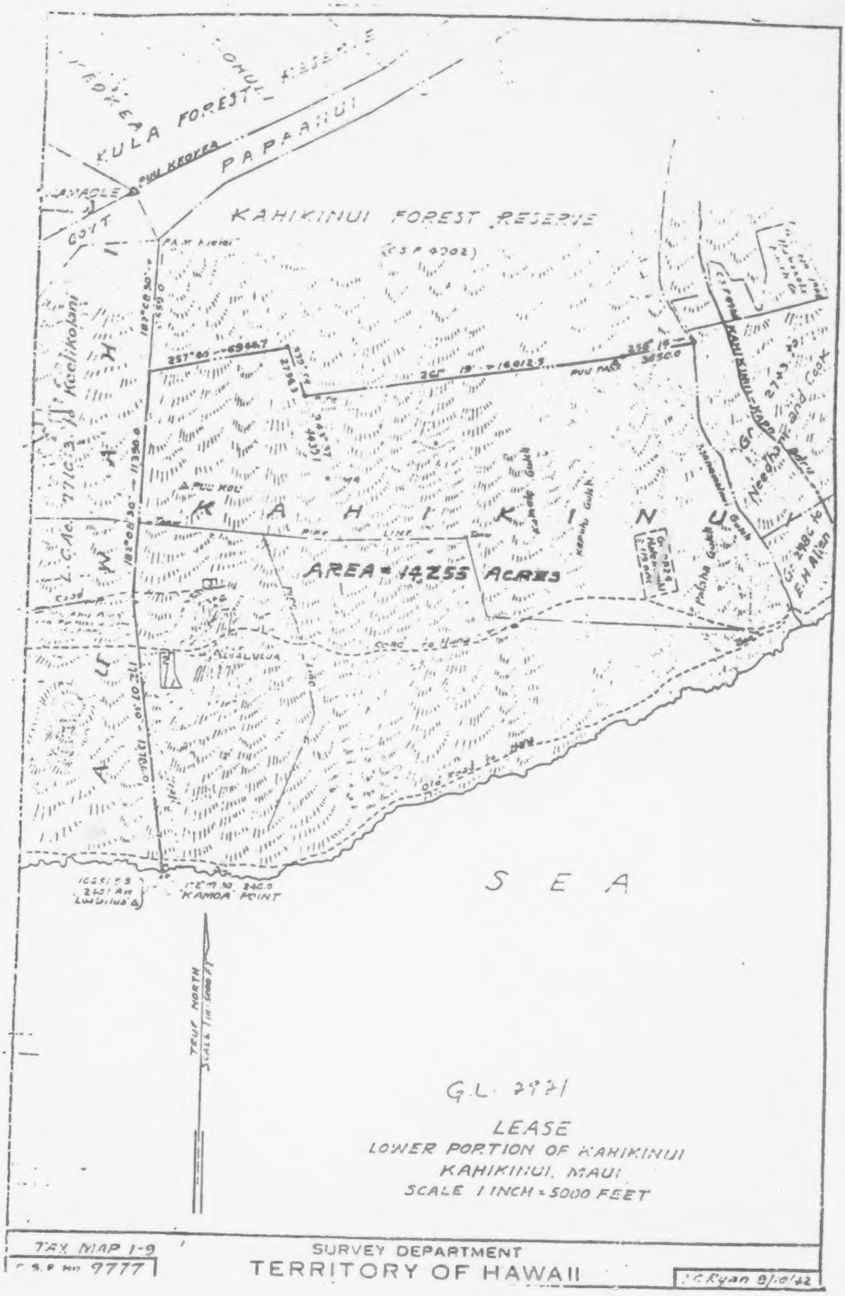
e) 4/1/67 DHHL GL 101 to Maui Factors, Inc., for a term of 25 years commencing 4/1/67 at an annual rental of $24,000 for the first ten years, payable quarterly, covering 15,620 acres. Current rents $31,240. Leased area includes 1,365 acres of lands under forest reserve.

Land Inventory Summary:

Plat 10.0 H.H. (CSF 9777 - 8/10/42)	14,255.00 acres
HTS Plat 1020-A (Forest Reserve	8,747.00 acres
TMK 2nd 1-9-01:8 (unsurveyed)	62.00 acres
	23,064.00 acres
Less: LCA's grants, etc.	254.73 acres
Inventory	22,809.27 acres

Tax Map Key References: Second Taxation District

1, 1-9


KULA FOREST RESERVE
KEOKEA
OHULI
PAPAANUI
PUU KEOKEA
KAMAOLE
GOV'T
KAHIKINUI FOREST RESERVE
(C.S.F. 4302)
KAHIKINUI
AREA = 14255 Acres
L.C.Aw. 3

Keälikolani
PUU KOLI
PUU PANE
Pipe Line
Road
Road to Hana
Old Road to Hana
Kamoli Gulch
Kepuni Gulch
Manawainui Gulch
Palaha Gulch
Gr. 2743
Needham and Cook
Gr. 2986 to E.H. Allen
KAMOA POINT
SEA
TRUE NORTH
SCALE 1 IN. = 5000 FT.
G.L. 2971
LEASE
LOWER PORTION OF KAHIKINUI
KAHIKINUI, MAUI
SCALE 1 INCH = 5000 FEET
TAX MAP 1-9
C.S.F. NO. 9777
SURVEY DEPARTMENT
TERRITORY OF HAWAII
J.C. Ryan 8/10/42

TERRITORY OF HAWAII
SURVEY DEPARTMENT
HONOLULU

GL 2921

C.S.F. No. 9777

August 12, 1942

(Revised August 1942)

LEASE

Being the lower portion of Kahikinui situated between
the Kahikinui Forest Reserve and the sea and between
L.C.Aw. 7715 Apana 3 to R. Keelikolani and Grant 2743
to Needham and Cook and Grant 2986 to E.H. Allen
At Kahikinui, Maui

Being portion of the government land of Kahikinui
set aside for the use of the Hawaiian Homes Commission
as described in Section 1662, Revised Laws of Hawaii, 1935.

Beginning at a point on seashore called "Kamoa", being also the southeast corner of the land of Auwahi, the coordinates of said point of beginning referred to Government Survey Triangulation Station "LUALAILUA" being 10,651.5 feet South and 2401.8 feet West, as shown on Government Survey Registered Map 955, and running by azimuths measured clockwise from True South:-

1.	172°	07'	30"	240.0	feet across old fishing Ko'a to an iron stake on rising ground above the road and the true azimuth and distance to the Government Triangulation Station "C" being 80° 25' 2570 feet;
2.	172°	07'	30"	13,786.0	feet along the land of Auwahi to an iron pin in "Ke ahu Alea" a large pile of stones on the makai edge of the old Hana Road;
3.	182°	08'	30"	11,390.0	feet along the land of Auwahi to the Kahikinui Forest Reserve fence;
4.	257°	40'		6,944.7	feet along fence along the Kahikinui Forest Reserve;
5.	339°	54'		2,734.3	feet along same to a pipe;
6.	261°	19'		16,012.5	feet along same;

(over)

7. 258° 16' 3,850.0 feet along same to the east edge of the east branch of Manawainui Gulch;

8. Thence down along the east edge of Manawainui Gulch, along Grant 2743 to Needham and Cook, and along Grant 2986 to E.H.Allen to the mouth of said gulch at seashore;

9. Thence following along the sinuosities of the seashore to the point of beginning.

AREA 14,255 ACRES

Excepting and reserving therefrom the privately owned parcels, L.C.Awards, Grants and Lots 1, 2 and 3 of the Lualailua Homestead Tract, within the above described area.

Also, excepting and reserving therefrom the old and present roads to Hana, as shown on plan hereto attached and made a part hereof.

Also, reserving to the Territory of Hawaii or its agents or assigns such rights-of-way for ingress, egress and regress at all times and for all purposes with or without vehicles and animals over the land herein described or any part thereof, such rights of way to be designated by the Commissioner of Public Lands or his successors in office, at such times and such widths as he may deem proper and necessary.

Also, excepting and reserving therefrom the tank sites and rights-of-way for pipe lines across this land.

Compiled from Govt.
Survey records, by

Thomas C. Ryan
Thomas C. Ryan
Cadastral Engineer
bkp

NOTE: See Attached list.

[illegible]

See CSF 3836

Hn

[illegible]

LIST OF FEE SIMPLE TITLES AND OTHER LANDS THAT MAY BE IN THE LOWER PORTION OF KAHIKINUI, MAUI

R.P. 3942, L.C.Award 5404 Apana 1	6.13	Ac.	
" " Apana 2	2.07	"	
" " Apana 3	3.98	"	
R.P. 3933, L.C.Award 5404	0.15	"	12.33 Acres
Grant 2824	119.00	"	
Grant 2901, Apana 1	69.75	"	
" Apana 2	5.62	"	
Grant 2988, Apana 1	8.07	"	
" Apana 2	5.61	"	208.05 Acres
Lot 1, Lualailua Homesteads (Grant 8586)	18.52	"	
Lot 2, " (Grant 7152)	15.83	"	
Lot 3, "	10.00		44.35 Acres
TOTAL			264.73 Acres

NOTE: Above for office information.

Comp. T.J.K.E.

PROCLAMATION
OF
FOREST RESERVE
IN THE
DISTRICTS OF HONUAULA, KAHIKINUI AND KAUPO,
ISLAND AND COUNTY OF MAUI
TERRITORY OF HAWAII

UNDER and by virtue of the authority vested in me by the provisions of Chapter 47 of the Revised Laws of Hawaii 1925, and of every other power me hereunto enabling, I, W. R. Farrington, Governor of Hawaii, with the approval of a majority of the Board of Commissioners of Agriculture and Forestry, having held the hearing of which notice has been duly given all as in said laws provided, do hereby recommended and approve as a forest reserve, to be called the **KAHIKINUI FOREST RESERVE**, portions of government and privately owned lands in the Districts of Honuaula, Kahikinui and Kaupo, Island and County of Maui, Territory of Hawaii, containing a total area of 16,013 acres, more or less, more particularly described by and on a map made by the Government Survey Department of the Territory of Hawaii, which said map is now on file in the said Survey Department marked "Kahikinui Forest Reserve," and a description accompanying the same, numbered C. S. F. 4902, which said description now on file in said Survey Department is as follows:

KAHIKINUI FOREST RESERVE

Within Honuaula, Kahikinui and
Kaupo Districts,
Island of Maui,
Territory of Hawaii.
C. S. F. 4902

Beginning at the Government Survey Trig. Station "Puu Kamakani" (marked by an iron pin) in the land of Nakula and on the Southern boundary of this Reserve, the direct azimuth and distance from said station to Government Survey Trig. Station "Ka Lae o Ka Ilio" being 311° 38' 27063.0 feet, and running by true azimuths:

1. 68° 37' 5769.0 feet along the government land to a pipe on the West edge of Pahihi Gulch;

2. 148° 14' 5900.3 feet up along the West edge of Pahihi Gulch along Grant 2743 to Needham and Cook and along government land to a pipe:
3. 71° 00' 1800.0 feet along the government land to a pipe on the East edge of East branch of Wailaulau Gulch:
4. 342° 50' 2241.0 feet down along the East edge of East branch of the Wailaulau Gulch to a pipe:
5. 1° 20' 1900.0 feet along same:
6. 110° 07' 450.0 feet across the Wailaulau Gulch below junction of gulches to an ohia stake:
7. 151° 17' 1522.6 feet up along the West edge of West branch of Wailaulau Gulch to the end of fence:
8. 72° 50' 635.0 feet along fence and across small gulch:
9. 149° 03' 965.2 feet up along West edge of said small gulch to end of fence:
10. 93° 12' 792.0 feet along fence to the East edge of the Waiopai Gulch:
11. 343° 00' 1498.0 feet down along the East edge of Waiopai Gulch:
12. 37° 22' 281.0 feet across the Wa'opai Gulch to end of fence on the West edge of said gulch:
13. 78° 00' 2026.0 feet along fence to the East edge of East Branch of the Manawainui Gulch:
14. 325° 29' 2365.8 feet down along the East edge of the East Branch of the Manawainui Gulch:
15. 78° 16' 3850.0 feet across the East branch of the Manawainui Gulch and along fence along government land to a stake:
16. 81° 19' 16012.5 feet along fence along government land to a pipe. from this pipe the direct azimuth and distance to Government Survey Trig. Station "Puu Uma" is 343° 37' 4439.1 feet:
17. 159° 54' 2734.3 feet along fence along government land:
18. 77° 40' 6944.7 feet along same:
19. 182° 08' 30" 5559.0 feet along the land of Auwahi to a Forest Reserve Monument at a place called "Keiei."
20. 149° 03' 30" 3121.8 feet across the land of Papaanui to "Puu Keokea" Trig. Station marked by a 1½ inch pipe:
21. 248° 03' 20" 1906.8 feet along Kula Forest Reserve:
22. 241° 40' 12230.0 feet along same to a — cut on rock over a sort of cave at a place called Kalepeamoa:
23. 233° 55' 3395.0 feet along same to a pile of stones on top of mountain:
24. 247° 56' 7140.0 feet along same to concrete monument marked No. 25:
25. 213° 46' 466.2 feet along Kealahou 3 and 4 to concrete monument marked No. 17:
26. 307° 38' 2175.6 feet along Hawaii Volc. National Park Haleakala Crater section to concrete monument marked No. 16:
27. 297° 52' 30" 5209.2 feet along same to concrete monument marked No. 15:
28. 270° 23' 30" 12240.3 feet along same to concrete monument marked No. 14. the true azimuth and distance from said monument to an → on rock called "Kumuiliahi" being 167° 28' 928.7 feet:
29. 271° 34' 45" 9960.4 feet along same to a — on rock. the true azimuth and distance from said — on rock to Government Survey Trig. Station "Haleakala 2" being 179° 13' 15" 943.2 feet:
30. 318° 42' 30" 9574.2 feet along same to a pipe. and from said pipe the true azimuth and distance to a pipe on the West edge of Kaupo Gap being 266° 01' 30" 903.4 feet:
31. 75° 44' 15781.0 feet across the lands of Nuu and Nakula to the point of beginning.

AREA 16013.0 ACRES

SUMMARY OF AREAS

Government Land	13368.0	Ac.
Papaanui	1090.0	"
Kahikinui	8747.0	"
Nakula	3531.0	"
Private Land		
Nuu (Campbell Estate	2019.0	Ac.
(A. V. Marciel	626.0	"
	16013.0	Ac.

AND, as provided by law, subject to existing rights, I do hereby **SET APART** as part of the Kahikinui Forest Reserve those certain portions of the government lands of Papaanui (1,090 acres), Kahikinui (8,747 acres), and Nakula (3,531 acres, altogether an area of 13,358 acres, more or less, which lie within the metes and bounds of the above described KAHIKINUI FOREST RESERVE.

(Seal) IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the Territory of Hawaii to be affixed.

Done at the Capitol in Honolulu this 22nd day of December, A. D. 1928.

(S) W. R. FARRINGTON,
Governor of Hawaii.

By the Governor:
(S) RAYMOND C. BROWN,
Secretary of Hawaii.

PROCLAMATION
OF
FOREST RESERVE
IN THE
DISTRICT OF WAHIAWA
ISLAND OF OAHU
TERRITORY OF HAWAII

UNDER and by virtue of the authority vested in me by the provisions of Chapter 47 of the Revised Laws of Hawaii 1925, and of every other power me hereunto enabling, I, W. R. Farrington, Governor of Hawaii, with the approval of a majority of the Board of Commissioners of Agriculture and Forestry, having held the hearing of which notice has been duly given all, as in said laws provided, do hereby recommend and approve as a forest reserve, to be called the **SCHOFIELD BARRACKS FOREST RESERVE**, a portion of the Schofield Barracks U. S. Military Reservation, as described in Presidential Executive Order No. 2800, dated February 4, 1918, including portion of the Ili of Kalena and portion of the land of Waianae-uka in the District of Wahiawa, Island of Oahu, comprising a net total area of 2,707.4 acres, more or less, more particularly described by and on a map made by the Government Survey Department of the Territory of Hawaii, which said map is now on file in the said Survey Department, marked "Schofield Barracks Forest Reserve," and a description accompanying the same, numbered C. S. F. 4583, which said description now on file in said Survey Department is as follows:

SCHOFIELD BARRACKS FOREST RESERVE

Wahiawa, Oahu.

Portion of the Schofield Barracks U. S. Military Reservation, as described in Presidential Executive Order No. 2800, dated February 4, 1918, including portion of the Ili of Kalena and portion of the land of Waianae-uka.

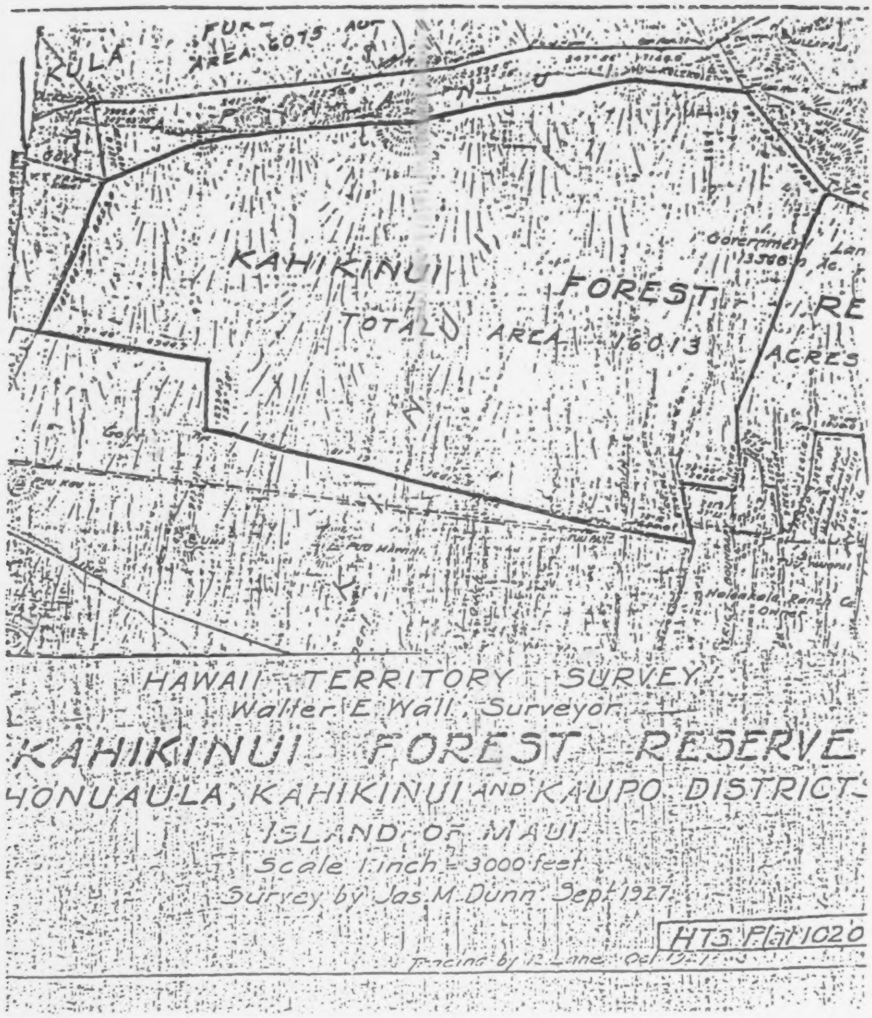
C. S. F. 4683

Beginning at the South corner of this tract, at Government Survey Trig. Station "Puu Hapapa" (U. S. Boundary Monument No. 6) on the ridge separating the lands of Lualualei and Honouliuli, and running by true azimuths:

Along the crest of the Waianae Mountains by an irregular line to the highest point on Puu Kaala, about 400 feet Northwest of standard pipe Monument No. 9, direct azimuths and distances through points on said crest being:

1. 129° 06' 01" 12346.4 feet to the U. S. Boundary Monument No. 7 on the summit of Puu Kalena;
2. 125° 41' 58" 3383.9 feet to the U. S. Boundary Monument No. 8 in saddle between Puu Kalena and Puu Kaala;
3. 175° 07' 17" 4601.2 feet to U. S. Boundary Monument No. 9;

Thence from the highest point on Puu Kaala described above, the boundary follows by an irregular line the crest of the lateral ridge be-


KULA
FOR-
AREA 6075 ACR
KAHIKINUI FOREST
TOTAL AREA 16013 ACRES
Government Lan
13500 Ac.
RE
Haleakala Ranch Co.
Owner
HAWAII TERRITORY SURVEY
Walter E. Wall, Surveyor
KAHIKINUI FOREST RESERVE
HONUAULA, KAHIKINUI AND KAUPO DISTRICT
ISLAND OF MAUI
Scale 1 inch = 3000 feet
Survey by Jas. M. Dunn Sept 1927
HTS Plat 1020
Tracing by R. Lane Oct 19

INDEX

24) KALAUPAPA, MOLOKAI
HHCA §203(3) Kalaupapa--5,000± acres.

a) 3/20/1855 Land Commission Award 6450, Apana 3, issued to Kaunuohua covering the Ahupuaa of Kalaupapa, Molokai.

b) 9/29/1868 Warranty Deed conveying to the Minister of Interior, the Ahupuaa of Kalaupapa.

c) 3/24/30 Governor's Proclamation modifying the Molokai Forest Reserve by adding 380 acres of Kalaupapa as forest reserve. (See MOLOKAI--FOREST RESERVE folder.)

Land Inventory Summary:

Ahupuaa of Kalaupapa	1,247.0 acres

Tax Map Key References: Second Taxation Division

6-1-01

INDEX

8) **HUMUULA, NORTH HILO, HAWAII**

HHCA §203(1) Humuula--53,000 acres to be selected by the commission from the lands of Humuula Mauka, in the district of North Hilo.

Testimony of Senator John Wise before the House Committee on Territories on February 10, 1920, p. 143-144:

> "THE CHAIRMAN. This 53,000 acres of Humuula Mauka, is that leased to the Parker Ranch?
> MR. WISE. Yes; for a sheep station.
> THE CHAIRMAN. For how much?
> MR. WISE. $8,150 a year.
> THE CHAIRMAN. When does that lease expire?
> MR. WISE. 1930.
> THE CHAIRMAN. 1930?
> MR. WISE. That has the withdrawal clause.
> THE CHAIRMAN. Would any injustice be done to the Parker Ranch by withdrawing that 53,000 acres now?
> MR. WISE. I do not think so."

a) 12/30/08 GL No. 608 to Humuula Sheep Station Co. for a term of 21 years commencing January 1, 1909 to December 30, 1929. An annual rent of $8,150 covering 53,180 acres.

b) 6/5/09 Governor's Proclamation establishing the MAUNA KEA FOREST RESERVE setting aside an area of 66,600 acres. (See HAWAII-FOREST RESERVE folder.)

c) 12/22/28 Governor's Proclamation modifying the boundaries and adding more lands, increasing the total area to 68,227 acres of which is listed:

Humuula 4,[illegible]6.0 acres
(See HAWAII-FOREST RESERVE folder.)

d) 4/17/29 GL No. 1971 dated 4/17/29 for a period of 21 years commencing 1/1/30 to 12/31/50 at an annual rental of $25,100 payable semi-annually on 1/1 and 7/1 of each year, covering 49,100 acres.

e) 6/27/29 HHC Resolution No. 5 selecting 49,100 acres described by metes and bounds description and map--CSF 5313.

f) 5/2/38 Governor's Proclamation further modifying the boundaries of the MAUNA KEA FOREST RESERVE revising the courses and distances and by adding new lands containing a total of 88,100 acres of which is listed:

Humuula 8,453 acres
(See HAWAII-FOREST RESERVE folder.)

g) 1/3/39 Partial Release of Leasehold - Effective 1/1/36, area of 4,550 areas withdrawn from operation of GL No. 1971, for forest reserve and 80 acres of forest reserve lands added to GL No. 1971 area. Rent also reduced effective 1/1/36 to $22,232.70, lease area now only 44,280 acres.

h)	12/26/50	By letter dated 12/26/50, CPL extended term of GL #1971 for 1 year commencing 1/1/51. (See DLNR correspondence folder for GL #1971.)
i)	9/19/51	By letter dated 9/15/51, CPL informed HHC GL #1971 expires on 2/19/52. (See DLNR correspondence folder for GL #1971.)
j)	Interim	RP #760 issued covering said lands.
k)	12/29/52	GL #3438 dated 12/29/52 issued to Parker Ranch for term of 21 years commencing 7/1/53 to 6/30/74, rental of $16,000 per annum, payable semi-annually on 7/1 and 1/1, covering Parcel 1 containing 5,290 acres. GL #3439 dated 12/29/52 issued to Parker Ranch for term of 21 years commencing 7/1/53 to 6/30/74, rental of $14,000 per annum, payable semi-annually on 7/1 and 1/1, covering Parcel 2 containing 7,512.8 acres. GL #3440 dated 12/29/52 issued to Parker Ranch for term of 21 years commencing 7/1/53 to 6/30/74, rental of $18,000 per annum, payable semi-annually on 7/1 and 1/1, covering Parcel 3 containing 20,416 acres gross.
l)	4/14/54	Letter from CPL to HHC Attn: DKB regarding 11,155.9 acre parcel known as Aina Hou apprising of public sale of lease on 4/9 and 4/16 with no bidders and asking for HHC determination regarding homesteading of said parcel.
m)	4/20/54	Letter from DKB to CPL regarding use of Aina Hou apprising same that matter to be taken to HHC 5/13/54.
n)	6/9/54	HHC discussed contents of 4/14/54 letter on 5/13/54 and at its meeting of 6/9/54 took action authorizing CPL to turn the Aina Hou lands over to the Board of Agriculture and Forestry to be used as a game reserve and public hunting area. (See p. 37, HHC minutes 6/9/54.)
o)	8/24/54	Governor's Executive Order No. 1653 setting aside a net area of 11,123.80 acres for public hunting ground and game serve to the Board of Agriculture and Forestry. (See EXECUTIVE ORDER--HAWAII folder.)
p)	1/26/62	GL #3697 to Hawaiian Telephone of 2.938 acres for 21 years commencing 1/26/62 to 1/25/83 at $20.00.
q)	8/17/64	GL #S-3849 (DLNR) to USA (Army) per 65 years commencing 8/17/64 to 8/16/2029 for $1 for term which includes 295± acres of HHL of Humuula.
r)	1/20/65	GL #3387 to Hilo Electric for 30 years commencing 1/20/65 to 1/19/95 at $360.
s)	6/27/77	Memo to BB from OA regarding chornology for Humuula.
t)	9/1/77	GL #199 - Parker Ranch - 25 years (9/1/77 to 8/30/2002) Parcel 1, 5,290 acres - $29,900 - 10 years.

GL #200 - Parker Ranch - 25 years (9/1/77 to 8/30/2002) Parcel 2, 7,512.3 acres - $43,200 - 10 years.

GL #201 - Parker Ranch - 25 years (9/1/77 to 8/30/2002) Parcel 3, 20,416 acres gross - $52,800 - 10 years.

u) 2/18/82 Hideo Murakami to Tany Hong - ownership of TMK 3-8-01:3 & 4, Humuula.

v) 4/29/82 Dona Hanaike (Dep. AG) to Hideo Murakami - TMK 3-8-01: 3 & 4 is HHL and 1938 Proclamation as it encroaches upon HHL is invalid.

w) 5/26/82 Letter to SO, BLNR, clarification of HHL of Humuula.

x) 6/7/82 Letter to Hideo Murakami - verification of HHL of Humuula.

y) 6/28/82 Letter to GKP - response to both 12/9/81 and 6/7/82 letters.

z) 7/29/82 Letter to Hideo Murakami - verification of HHL of Humuula responds to questions raised by 6/28/82 letter.

aa) 12/16/82 Letter to GKP acknowledging 11/18/82 memo requesting return of 2.937 acres covered under GL #S-3697 upon expiration.

bb) 12/23/82 Letter to GKP - returns 2.937 acres covered under GL #3697 to DHHL.

Land Inventory Summary:

CSF 5313 49,100.3 acres

Tax Map Key References:

3-8, 3-8-01

-ooOoo-

- RESOLUTION -

NO. 5

SELECTION OF THE LANDS OF HUMUULA

ISLAND OF HAWAII

-ooOoo-

RESOLUTION NO. 3.

WHEREAS, under the provisions of Section 203 of the Hawaiian Homes Commission Act, 1920 (Revised Laws of Hawaii, 1925, Section 532), certain lands to be selected by the Hawaiian Homes Commission from the lands of Humuula Mauka, in the District of North Hilo, Island of Hawaii, are designated as "available lands," in words and figures as follows:

> "fifty-three thousand acres to be selected by the commission from the lands of Humuula Mauka, in the district of North Hilo; ";

and

WHEREAS, it appears to said Hawaiian Homes Commission, after due consideration, that the government lands of Humuula Mauka hereinafter described, are suitable lands to be selected for the purposes of said Act and in accordance with its provisions;

NOW, THEREFORE, BE IT RESOLVED, BY THE HAWAIIAN HOMES COMMISSION:

(1) That pursuant to the provisions of said Hawaiian Homes Commission Act, 1920, and the powers therein granted to

said Commission, those certain government lands of Humuula Mauka in the District of North Hilo, County of Hawaii, Island of Hawaii, Territory of Hawaii, containing an area of forty-nine thousand and one hundred (49,100) acres, described by metes and bounds in the description hereto attached, marked "Exhibit A", and in the plan and description of said lands filed in the office of the Territorial Survey Department as "C. S. F. No. 5313", a copy of which said plan is hereto attached marked "Exhibit B", which Exhibits are hereby referred to and made a part hereof, be, and they hereby are, selected as available lands for the purposes of said Act; and

(2) That said lands be, and the same hereby are designated as Hawaiian home lands within the meaning and for the purposes of Section 201 of said Act (Revised Laws of Hawaii, 1925, Section 530) and all other applicable provisions of said Act; and

(3) That the Chairman of said Commission be, and he hereby is, authorized and requested to transmit a certified copy of this Resolution to the Secretary of the Interior of the United States for his approval of this Resolution and the

selection of lands herein made.

Dated at Honolulu, T. H. this 27th day of June, 1929.

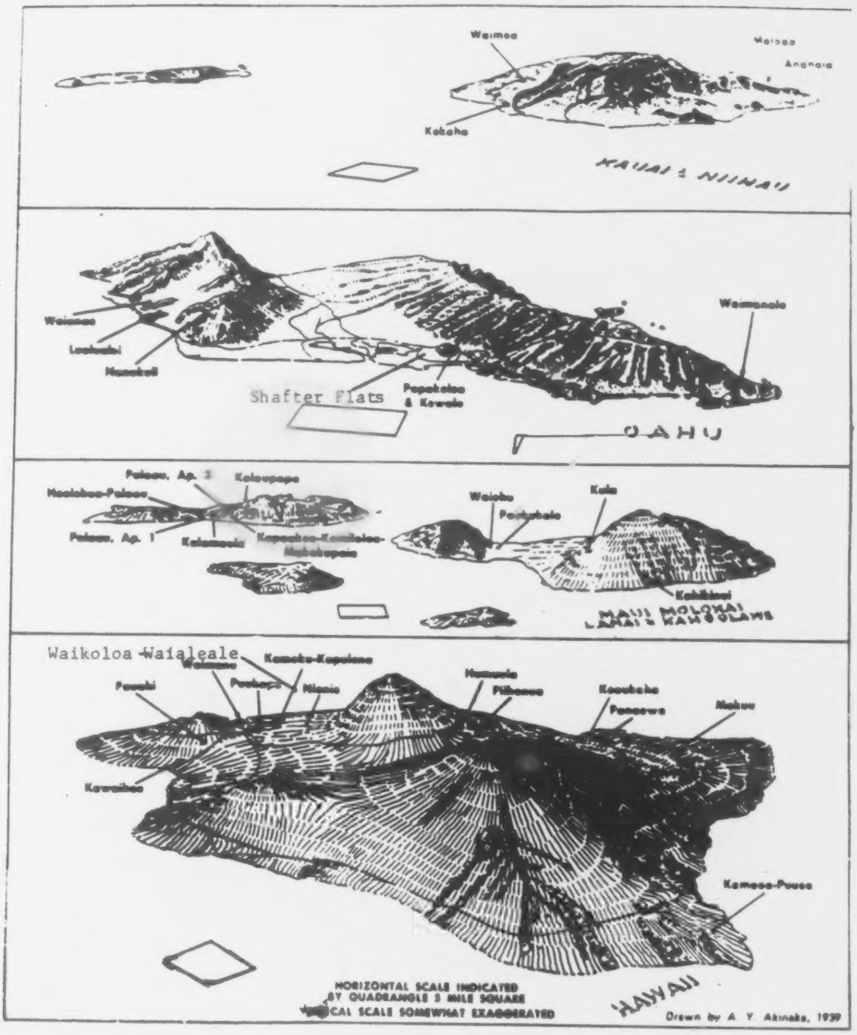
(Lawrence M. Judd)
Chairman of the Hawaiian Homes
Commission

I certify that the foregoing Resolution was duly and unanimously adopted by the Hawaiian Homes Commission on the 27th day of June, 1929, at a meeting of said Commission duly held on said date.

(R.M. Duncan)
Executive Officer and Secretary
Hawaiian Homes Commission.

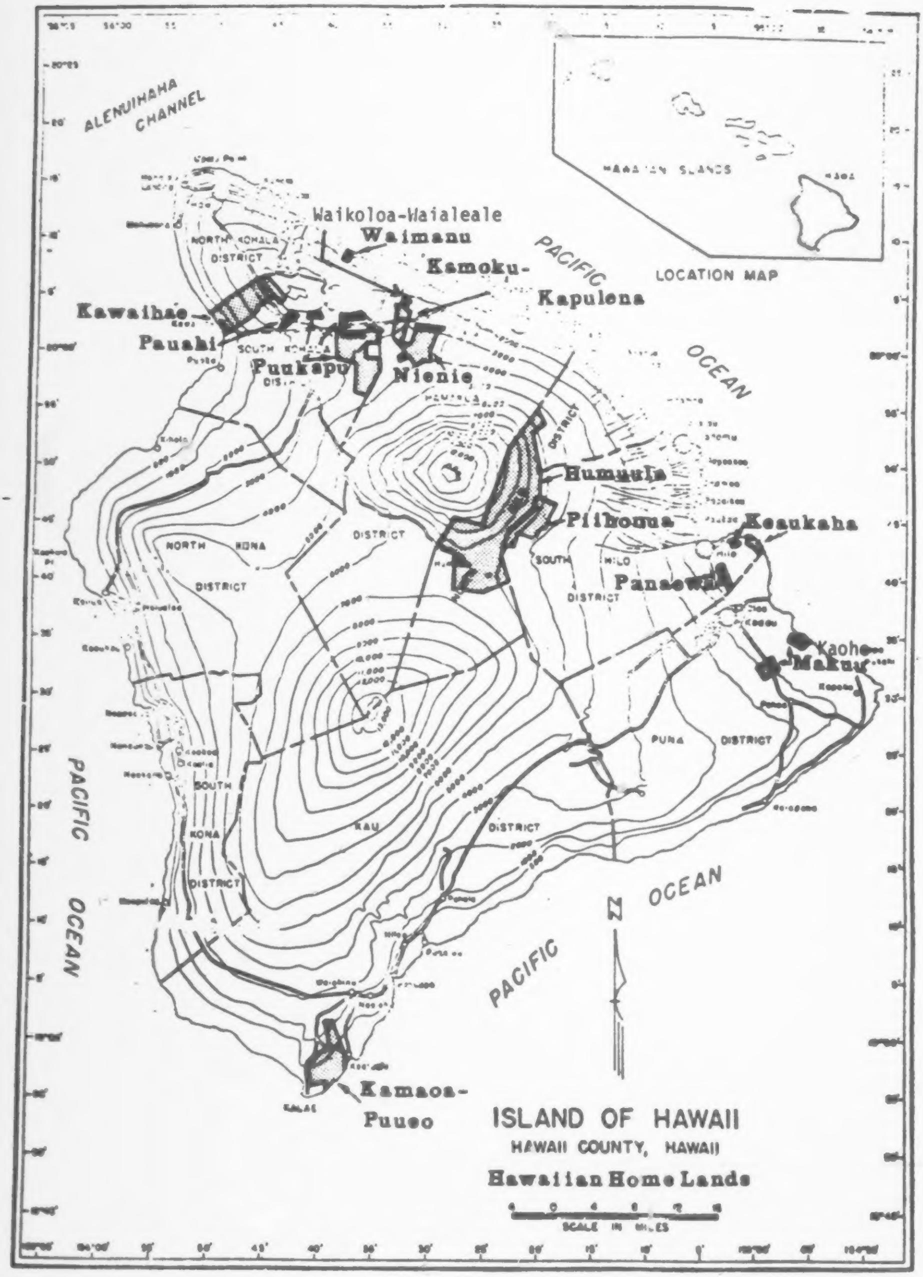
II-1

FACT SHEETS


Waimea
Moloaa
Anahola
Kekaha
KAUAI & NIIHAU
Waianae
Lualualei
Nanakuli
Shafter Flats
Papakolea & Kewalo
Waimanalo
OAHU
Palaau, Ap. 2
Kalaupapa
Hoolehua-Palaau
Palaau, Ap. 1
Kalamaula
Kapaakea-Kamiloloa-Makakupaia
Waiehu
Paukukalo
Kula
Kahikinui
MAUI MOLOKAI LANAI & KAHOOLAWE
Waikoloa-Waialeale
Waimea
Kamoku-Kapulena
Pauahi
Puukapu
Nienie
Humuula
Piihonua
Keaukaha
Panaewa
Makuu
Kawaihae
Kamaoa-Puueo
HORIZONTAL SCALE INDICATED
BY QUADRANGLE 5 MILE SQUARE
VERTICAL SCALE SOMEWHAT EXAGGERATED
HAWAII
Drawn by A. Y. Akinaka, 1939

HAWAIIAN HOME LANDS

August 1989


ALENUIHAHA CHANNEL
Waikoloa-Waialeale
Waimanu
Kamoku-
Kapulena
Kawaihae
Pauahi
Puukapu
Nienie
NORTH KOHALA DISTRICT
SOUTH KOHALA DISTRICT
PACIFIC OCEAN
LOCATION MAP
HAWAIIAN ISLANDS
HAWAII
Humuula
Piihonua
Keaukaha
Panaewa
Kaohe
Makuu
NORTH KONA DISTRICT
SOUTH HILO DISTRICT
PUNA DISTRICT
SOUTH KONA DISTRICT
KAU DISTRICT
PACIFIC OCEAN
PACIFIC OCEAN
N
Kamaoa-
Puueo
ISLAND OF HAWAII
HAWAII COUNTY, HAWAII
Hawaiian Home Lands
SCALE IN MILES

[illegible]

These two areas form one tract of land in the [illegible] on the island of Hawaii. Kamaoa gets its name [illegible] Ka Lae, a place noted for its red dust. Puueo is the [illegible] to the north of Kamaoa.

DESCRIPTION: Area - 11,037.380 acres

-Elevation	-	Kamaoa lands extend from [illegible] at sea level to about [illegible] feet in elevation. Puueo lands range from about 1,000 to [illegible] feet in elevation
-Soils	-	The soils of Kamaoa-Puueo are primarily pasture soils with patche of moderately deep sandy loam dispersed among areas of rock strewn lava (Pakini: PKB).
-Temperature	-	Temperature varies slightly throug out the year and averages about 82
-Rainfall	-	The area receives less than 20" annually
-Vegetation	-	The major vegetation in the area i scrub grassland with areas of dens lantana and Christmas berry.
-Infrastructure	-	Access to Kamaoa-Puueo is by a single-lane paved road which exten from the Hawaii Belt Highway to Ka Lae. A four-inch county maintaine water line services the area.
-Archaeological Sites	-	The area is highly significant for its archaeological and historical sites. The Ka Lae area is a designated National Historic Landmark. Two archaeological districts have also been disignated by the state at Kaulana and Mahana.
-Environmental Significance	-	The area is environmentally significant. It has a pond-Lua Paleh which is noted for its shrimp.

DHHL LAND USE/ENCUMBRANCES

-Homestead Leases:	-	Pasoral - 8	(as of 6/30/89)
		Agricultural - 13	

DHHL BENEFICIARY DEMAND	-	Residential - 3,052	(as of 6/30/8
		Agricultural- 2,917	
		Pastoral - 418	

DHHL CONCERNS

- Development of adequate domestic and agricultural water
- Construction of additional road systems
- Protection of archaeological sites and environmental features

DHHL PLANNING REFERENCES

-DHHL, Kamaoa-Puueo Management Plan, [illegible] and Assoc., Honolulu, September [illegible].

-NHDO, A Notebook of Commonly Known Archaeological and Historical Sites Located on Lands Administered by the Department of Hawaiian Home Lands, Special Publication 1, July, 1984 (rev. 11/84)

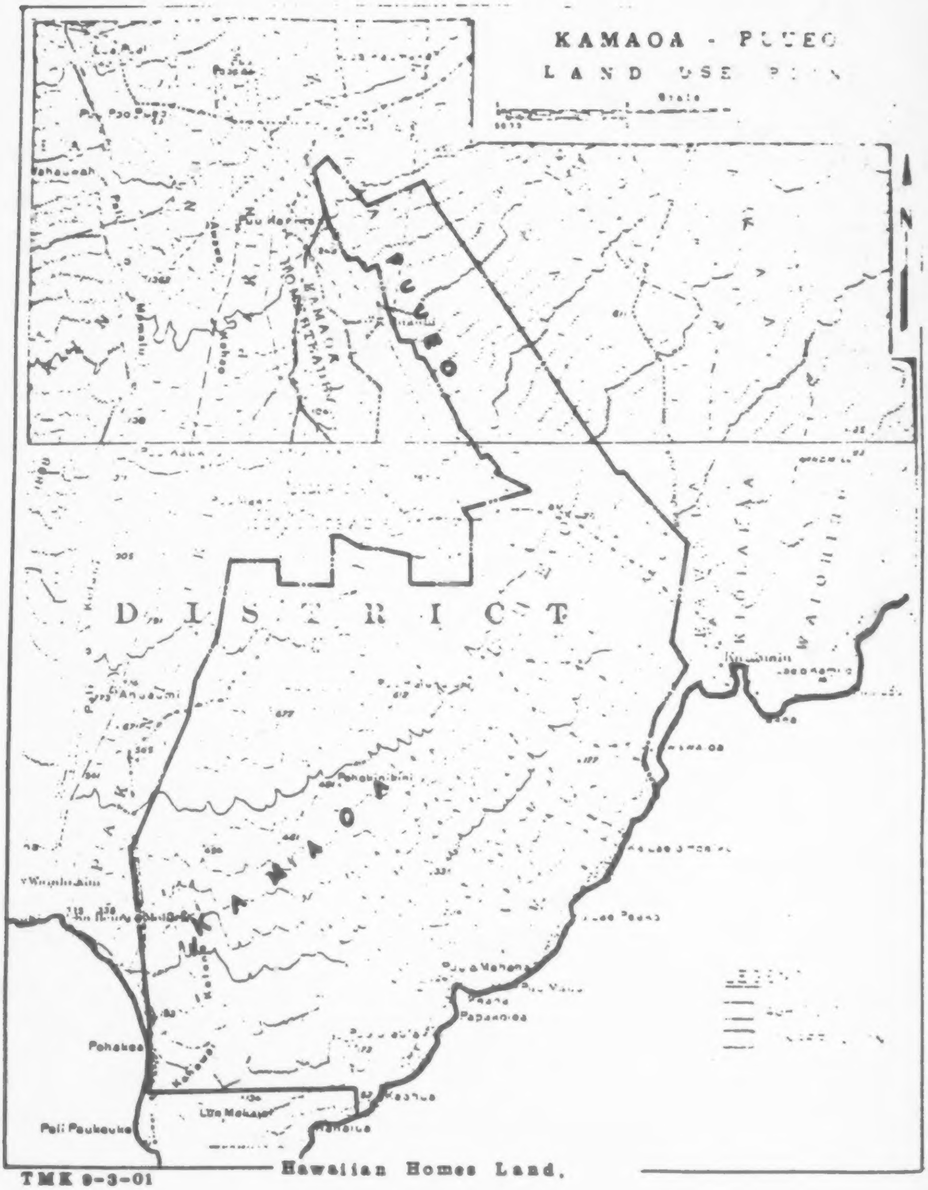
-NHDO, A Notebook of Unique Ecosystems and Habitats for Threatened and Endangered Species on Lands Administered by the Department of Hawaiian Home Lands, Special Publication 2, July, 1985.

-DHHL General Plan, April, 1976.

-Land Use Study of Hawaiian Home Lands for the State of Hawaii, Analytical Planning Consultants, Inc. Honolulu, Hawaii, April 30, 1971.

-Cleg, Donald and Richard A. Bird, Program Study and Evaluation of the Department of Hawaiian Home Lands, State of Hawaii, submitted to the Office of the Governor, January 20, 1971.

-DHHL, Land Inventory and Land Use Study for the Department of Hawaiian Home Lands, Arthur Akinaka, Ltd., December 18, 1972.


KAMAOA - PUUEO
LAND USE PLAN
Scale
N
PUUEO
KAMAOA
DISTRICT
KIOLAKAA
WAIOHINU
KAMAOA HOMESTEADS
Pohakea
Pali Paukauka
Puu Mahana
Papakolea
Anuaumi
Kaalualu
LEGEND

TMK 9-3-01 Hawaiian Homes Land.

SUMMARY

This property consists of three parcels in the [illegible] on the island of Hawaii. The name "Puukapu" refers to [illegible] 1,350 feet high. It literally translates as "Sacred [illegible]

DESCRIPTION: Total Acres - 11,[illegible] acres

Tax Map Key References: 3rd Taxation District

6-3, 6-4, 6-4-01, 6-4-02, 6-4-03, 6-4-04, 6-4-07,
6-4-08, 6-5-01, 6-7, 6-7-01

-Elevation:	In Puukapu 1 the elevation ranges from 2,800 feet to 3,600 feet at its southern-most portion. Puukapu 2 and 3 are above Waimea town and elevations generally range in both parcels from 3,400 feet to 3,800 feet.
-Soils:	In Puukapu 1 soils are represented by Reddish Brown, Reddish Prairie, Latosolic Brown Forest, and Lithosol groups. These soils are generally deep, well-drained, and stone free. Their predominent use is for grazing though they also have been rated excellent to poor for vegetable farming as well. Generally, the areas closest to Waimea town are better suited for vegetable farming. For grazing, the lands south of the farm lots and throughout most of the parcel are rated excellent and good while those areas furthest south are only fair due to rocky conditions and a slightly drier climate.
-Temperature:	Low 50's to low 70's (average 68 F).
-Rainfall:	Average annual rainfall is 47 inches
-Vegetation:	All three parcels are predominantly grasslands. Some patches of mixed ohia-exotic forest are found on Puukapu parcels 1 and 2. Kikuyu grass (Pennisetum clandestinum) is the dominant grass.
-Infrastructure:	Access to Puukapu parcels 2 and 3 is by paved road laid to facilitate access to county and state water reservoir facilities. Puukapu 1 has a series of improved roads which service residential homesteads at Kuhio Village and two tiers of agricultural homesteads. The remaining portion of Puukapu 1 is accessed through unimproved roads. Plans have been discussed to develop improved roads for residential lots awarded through the acceleration program at Puu Pulehu. County domestic and state agriculture water service is available to homesteads in Puukapu 1, but because of system limitations, all lots are not serviced. Presently, there is no water service to Puukapu parcels 2 and 3. No homesteads have been awarded in Puukapu 3. Electricity and telephone service is available.

-Land Use Designation:	Urban (Kuhio Village), Agriculture, Conservation-State Land Use Commission; Puukapu 1 & 2: Pasture and agriculture and "rural residential"; Puukapu 3: Pasture and Land Bank Reserve--County General Plan
-Archaeological Sites:	Only two sites have been found and reported to DLNR: two shelter sites in the agricultural homestead area of Puukapu 1. No sites have been reported in Puukapu 2 and 3. Most of Puukapu 1 has not been surveyed for archaeological sites and additional finds may be forthcoming.
-Environmental Significance:	An endemic grass, Isodendrion Hosakae, has been found in Puukapu 1. In addition, there are a number of native plants in the vicinity of Puu Ulaula and Puu Papapa. Their significance is not presently known.

DHHL LAND USE/ENCUMBRANCES:

-Homesteading Leases-Residential	107	leases at Kuhio Village
	33	leases at Puu Pulehu
-Agricultural	105	leases in Puukapu 1 and 2
-Pastoral	16	leases
	261	

-General Leases--40.682 acres to DOT for 30 years (4/1/75-3/31/05) @ $481,422.

-Licenses--Easement to County Dept. of Water Supply (waterline) for 21 years (7/30/81-7/29/02) @ $1

-Licenses--Easement to County Dept. of Water Supply (waterline) for 21 years (5/1/81-4/30/02) @ $1

-Licenses--Easement to Parker Ranch (waterline) for 21 years (3/31/83-3/30/04) @ $630 for term

-Licenses--Easement to HELCO (utility) perpetual (5/1/84-4/30/05) @ $1 for term

-Licenses--Easement to HELCO & Hawaiian Telephone (utility) perpetual (5/1/84-4/30/05) @ $1 for term

-Revocable Permits--4,955.120 acres to Richard Smart @ $31,610 (annually)

-Revocable Permits--.044 acres to Kamuela Congregation of Jehovah's Witness @ $400

-Revocable Permits--.035 acres to Waimea Civitan Club @ $323.04

-Former EO Lands--2.480 acres returned by DLNR (Kohala Forest Reserve)-taken by EO #1337 (7/19/49)

-Former EO Lands--23.406 acres returned by DLNR (Reservoir and Easements)-taken by EO #1707 (12/1/55)

-Former EO Lands--1.014 acres returned by County of Hawaii (Tanksite and Road Easement)-taken by EO #2262 (2/10/66)

-Former EO Lands--.[illegible] acres returned by County [illegible] (Water Pump Site)-taken by EO #2332 (5/28/6[illegible])

-Former Proclamation Lands--71.00 acres returned by DLNR (Kohala Forest Reserve)-taken by Proclamation of 4 [illegible]

-Former Proclamation Lands--91.5[illegible] acres returned by DLNR (Kohala Forest Reserve)-taken by Proclamation of [illegible]

DHHL BENEFICIARY DEMAND:

		Waiting List
(RES)	Waimea	94
	Island-wide	3,052
(AGR)	Waimea	12
	Island-wide	2,917
(PAS)	Waimea	238
	Island-wide	418

DHHL CONCERNS:

-Development of pasture lots which will be awardable in the near future

-Development of infrastructure (especially water) to lots developed under the accelerated land distribution program

-Alignment of the Kawaihae-Honokaa Road (mud-lane)

-Non-use of awarded agricultural homestead lands by lessees

DHHL PLANNING REFERENCES:

-DHHL, Puukapu Development Plan, Aotani & Associates, November, 1982.

-NHDO, A Notebook of Commonly Known Archaeological and Historical Sites Located on Lands Administered by the Department of Hawaiian Home Lands, Special Publication 1, July, 1984 (rev. 11/84)

-NHDO, A Notebook of Unique Ecosystems and Habitats for Threatened and Endangered Species on Lands Administered by the Department of Hawaiian Home Lands, Special Publication 2, July, 1985.

-DHHL General Plan, April, 1976.

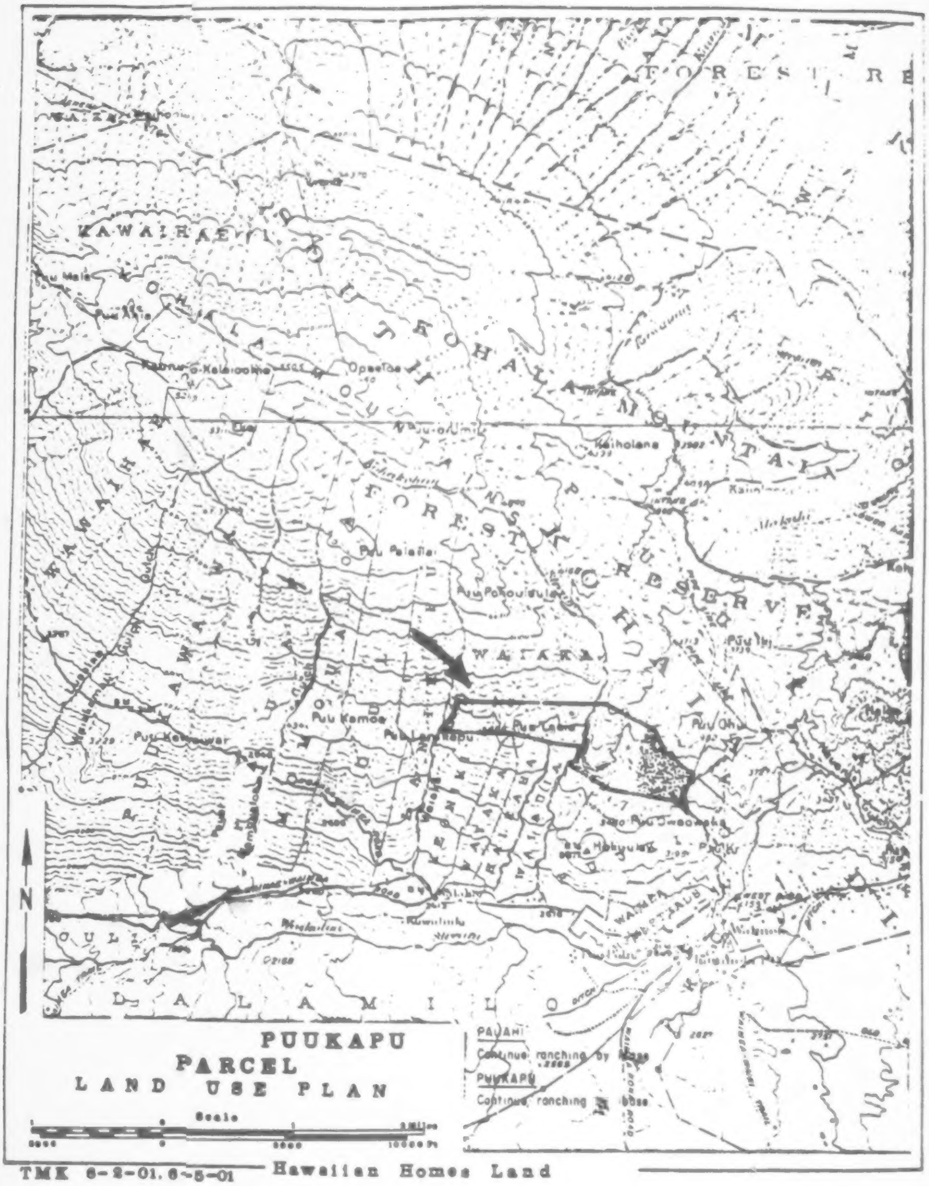
-Land Use Study of Hawaiian Home Lands for the State of Hawaii, Analytical Planning Consultants, Inc. Honolulu, Hawaii, April 30, 1971.

-Cleg, Donald and Richard A. Bird, Program Study and Evaluation of the Department of Hawaiian Home Lands, State of Hawaii, submitted to the Office of the Governor, January 20, 1971.

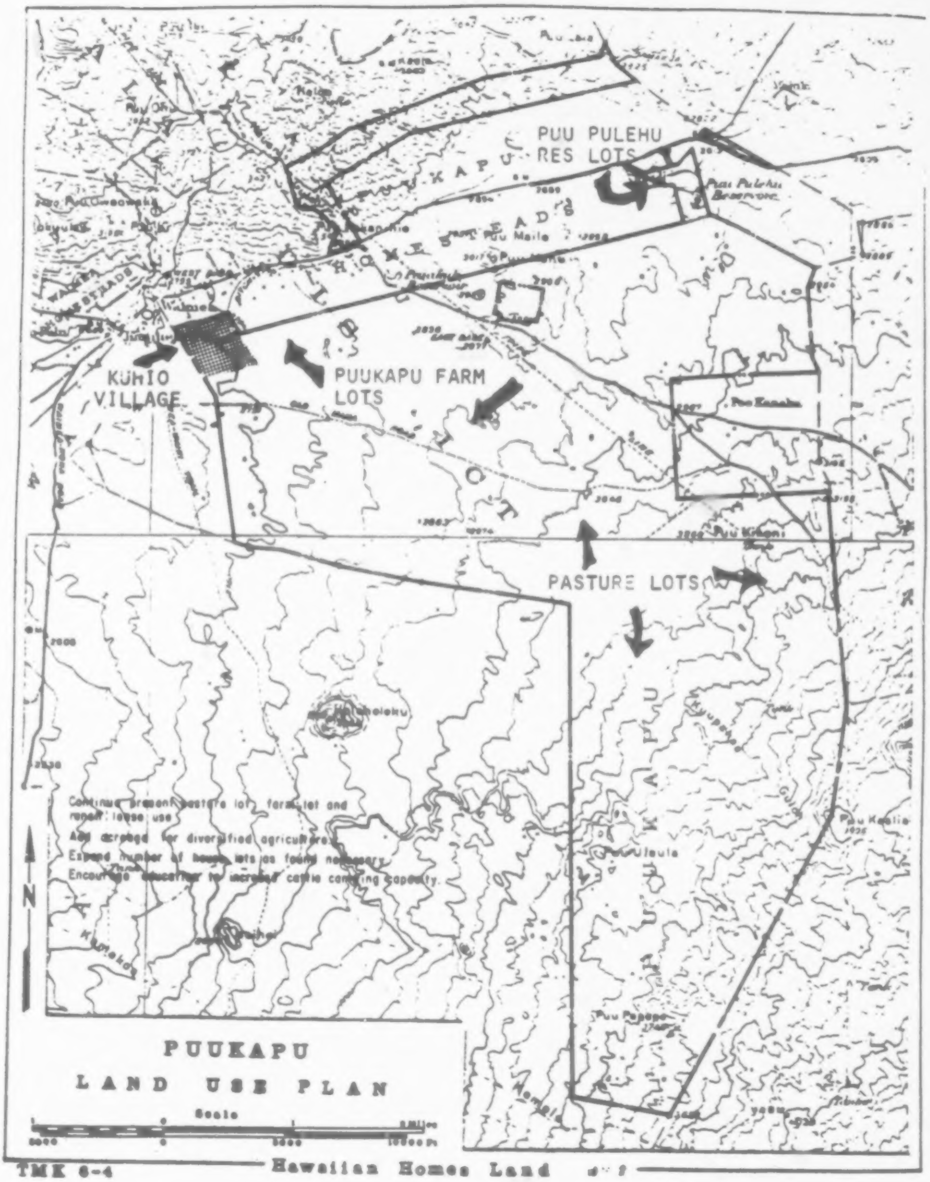
-US Department of Agriculture and State DLNR, Hamakua Area Agricultural Water Study, Honolulu, March 1982.

-R.M. Towill Corporation, Final Alignment Report for Waimea-Kawaihae Road, Project Nos. F-019-1(6) & S-0270(4), February, 1976.

-DHHL, Land Inventory and Land Use Study for the Department of Hawaiian Home Lands, Arthur Akinaka, Ltd., December 18, 19[illegible]2.


FOREST RESERVE
KAWAIHAE
SOUTH KOHALA
MOUNTAIN
FOREST RESERVE
KOHALA
Puu Kamoa
Puu Pakaulaula
WAIAKA
Puu Ohu
Keiholana
Opeeloa
Puu Kehoowar
OULI
LALAMILO
WAIMEA
N
PUUKAPU
PARCEL
LAND USE PLAN
Scale
PAUAHI
Continue ranching by lease
PUUKAPU
Continue ranching lease
0
1
2 Miles
5000
0
5000
10000 Ft

TMK 6-2-01, 6-5-01 Hawaiian Homes Land


PUU PULEHU
RES LOTS
PUUKAPU HOMESTEADS
KUHIO
VILLAGE
PUUKAPU FARM
LOTS
PASTURE LOTS
PUUKAPU
Puu Pulehu Reservoir
Puu Maile
Puu Kanaka
Puu Kikoni
Puu Kaelia
Puu Uleula
Puu Papapa
Waimea
Kaholoku
Kipuupuu
Continue present pasture lot, farm lot and
ranch lease use
Add acreage for diversified agriculture.
Expand number of house lots as found necessary.
Encourage education to increase cattle carrying capacity.
N
PUUKAPU
LAND USE PLAN
Scale
1 0 1 2 Miles
5000 0 5000 10000 Ft
TMK 6-4
Hawaiian Homes Land

KAWAIHAE

This parcel runs from the mountains to the sea and [illegible] on the western shore of the island of Hawaii. The name is [illegible] from a battle which occurred over water from a well [illegible] area. Literally, the name translates as "water of wrath."

DESCRIPTION: Area - 1[illegible],142.3[illegible]1 acres

Tax Map Key References: 3rd Taxation District

6-1-01, 02, 03, 04, 05 and 06

-Elevation:	The parcel extends from the sea to an elevation of about 4,600 feet.
-Soils:	The soil is composed of various associations, but is generally deep, rocky volcanic ash. Slope varies from moderate to steep.
-Temperature:	Because of elevation, temperature vary from the low 50's to low 90's (average 75 F).
-Rainfall:	At its lower elevations, rainfall averages about 20 inches annually. At the higher elevations, however, rainfall averages more than 100 inches.
-Vegetation:	The lower elevations are dominated by grasslands and kiawe (*Prosopis chilensis*). The higher elevations are used extensively for pasture which is primarily composed of Kikuyu grass (*Pennisetum clandestinum*).
-Infrastructure:	The parcel is bisected by the Kawaihae-Kohala Roads mauka and makai. County water is available along the lower road to DHHL's industrial park. Water to the mauka portion of the property is supplied by the Kehena Ditch. Utilities follow the road corridors.
-Archaeological Sites:	There are numerous archaeological sites at the lower elevations. While some have been surveyed, pockets of unsurveyed lower lands remain. Very little work has been done on the property above 800 feet. Historic sites are noteworthy in the parcel as well. Davis' tomb and former residences of John Young and Hawaiian alii are on or next to DHHL lands. Burials present
-Environmental Significance:	Some of the gulches which disect the land may have endangered or threatened species within them. Additionally, the offshore waters along the coast are classified as AA waters.

DHHL LAND USE/ENCUMBRANCES:

-Homesteading Leases--Residential - 211 leases

-General Lease--[illegible] acre to Arakaki Electric for [illegible] years [illegible] @ $[illegible]

-General Lease--6.513 acre to Hokuloa, Inc. for 55 years (5/1/72-4/30/27) @ $15,340.53

-General Lease--9,930 acres to Kanua Ranch for 35 years (1/9/76-1/8/11) @ $35,400

-General Lease--2 acres to Shuman Lumber Co. of Hilo for [illegible] years (5/5/78-5/4/08) @ $4,618.62

-General Lease--2 acres to Kawaihae Millwork, Inc. for [illegible] years (5/5/78-5/4/08) @ $5,000.

-General Lease--2.588 acres to Boyd Enterprises for 30 years (5/5/78-5/4/08) @ $8,450

-General Lease--1.134 acres to South Pacific Ship for 30 years (5/5/78-5/4/08) @ $5,040

-General Lease--2.850 acres to Kawaihae Industrial Development Corp. for 40 years (6/1/84-5/31/24) @ $8,700

-General Lease--2.120 acres to James L.K. Tom for 42 years (12/1/85-11/30/27) @ $13,368

-Licenses--Easement to Hawaii Electric Company (poles and powerlines) for 21 years (2/28/74-2/27/95) @ $1

-Licenses--Easement to Hawaii Electric Company (poles and powerlines) for 21 years (1/26/78-1/25/99) @ $1

-Licenses--4.835 acres to Hawaii Electric Company (poles and powerlines) for 21 years (12/1/79-11/30/00) @ $5.05

-Licenses--Easement to HELCO (Utility) for 21 years (5/1/83-4/30/04) @ $21 for term

-Revocable Permits--1.986 acres to Masau and Chitoshi Doi @ $17,045

-Revocable Permits--.115 acre to Hawaii County Fire Department @ $897

-Revocable Permits--.422 acre to H.H. Inc. @ $3,816

-Revocable Permits--.540 acre to Ed and Naomi Laau @ $4,652

DHHL BENEFICIARY DEMAND: (as of 6/30/89)

		Waiting List
(RES)	Kawaihae	32
	Island-wide	3,052
(AGR)	Island-wide	2,917
(PAS)	Island-wide	418

DHHL CONCERNS:

-Development of infrastructure to newly awarded residential homesteads (including water)

-Develoment of a strategy for focusing DHHL resources on making Kawaihae a model community

-Development of plan for utilizing mauka water from the Kehena Ditch

DHHL PLANNING REFERENCES

-NHDO. A Notebook of Commonly Known Archaeological and Historical Sites Located on Lands Administered by the Department of Hawaiian Home Lands. Special Publication [illegible] 11/84)

-NHDO. A Notebook of Unique Ecosystems and Habitats for Threatened and Endangered Species in Lands Administered by the Department of Hawaiian Home Lands. Special Publication [illegible] 1985.

-DHHL General Plan. April, 1976.

-Land Use Study of Hawaiian Home Lands for the State of Hawaii. Analytical Planning Consultants, Inc. Honolulu, Hawaii, April 30, 1971.

-Cleg, Donald and Richard A. Bird. Program Study and Evaluation of the Department of Hawaiian Home Lands, State of Hawaii. submitted to the Office of the Governor, January 20, 19[illegible]

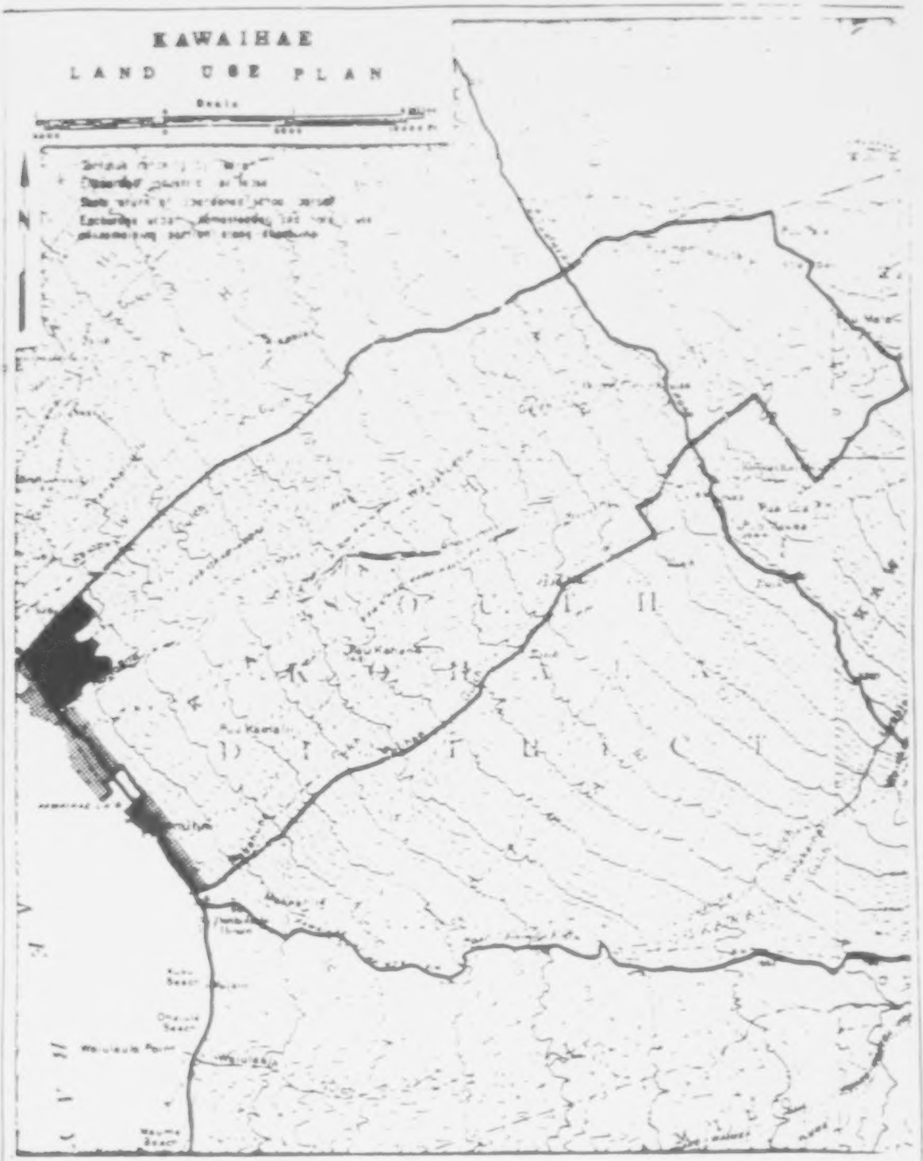
-R.M., Towill. Final Alignment Report for Waimea-Kawaihae Road. Project Nos. F-109(6) and S-0270(4), February, 1976.

-DHHL. Kawaihae Development Plan. Planners Collaborative, 1984.

-DHHL. Kawaihae Plan. Ming Chew Associates in collaboration with Belt, Collins & Associates, May 21, 1986.

-DHHL. A Preliminary Report on Utilizing the Kehena Ditch Water Source for Providing Water Resource to DHHL Lands at Kawaihae. Planning Office, July, 1986.

-DHHL, Land Inventory and Land Use Study for the Department of Hawaiian Home Lands, Arthur Akinaka, Ltd., December 18, 1972.


KAWAIHAE
LAND USE PLAN
Scale
SOUTH KOHALA DISTRICT
Waiulaula Point

TMK 6-1 Hawaiian Homes Land.

[illegible]

This parcel [illegible] is located on the slopes of [illegible] between Waimea and Kawaihae. Its name infers that [illegible] out." This may be a reference to Kohala Mountain.

DESCRIPTION: Area + [illegible] acres

Tax Map Key References: 3rd Taxation District

6-2, 6-2-01

-Elevation:	2,000-4,000 feet.
-Soils:	Two soil associations dominate; Waimea extremely stony very fine sandy loam (WSD) and Puu Pa extremely stony very fine sandy loam (PVD). There is moderate slope and both soils lend themselve to pasture use.
-Temperature:	Low 60's to low 80's (average 76 F).
-Vegetation:	The parcel is pasture--primarily kikuyu grass (Pennisetum clandestinum). Remnant ohia is found in the upper slopes.
-Infrastructure:	The parcel is bisected by the Kohala Road (upper road) and is bordered by the lower Kawaihae Road. County water and utilities are available along the road.
-Land Use Designation:	Agriculture-State Land Use Commission/Pasture Use--DHHL General Plan
-Archaeological Sites:	No sites have been reported to DLNR.
-Environmental Significance:	The land's major significance is the fact that its open and provides beautiful vistas. There are no known endangered or threatened species on the parcel.

DHHL LAND USE/ENCUMBRANCES:

-Homesteading Leases--Pastoral - 1 leases

-Licenses--Easement to Hawaiian Telephone Co. (Right of Way for poles and powerlines) for 21 years (11/17/69-11/16/90) @ $1 for term

-Licenses--Easement to Hawaiian Telephone Co. (Poles, lines, anchors) for 21 years (10/1/79-9/30/00) @ $1

-Former Proclamation--40 acrs returned by DLNR (Kohala Forest Reserve) taken by PROC of 12/22/28

DHHL BENEFICIARY DEMAND: (as of 6/30/89)

Waiting List

(PAS)	Waimea	230
	Island-wide	418

DHHL PLANNING REFERENCES:

-NHDO. A Notebook of Commonly Known Archaeological and Historical Sites Located on Lands Administered by the Department of Hawaiian Home Lands. Special Publication 1, July, 1984 (rev. 11/84).

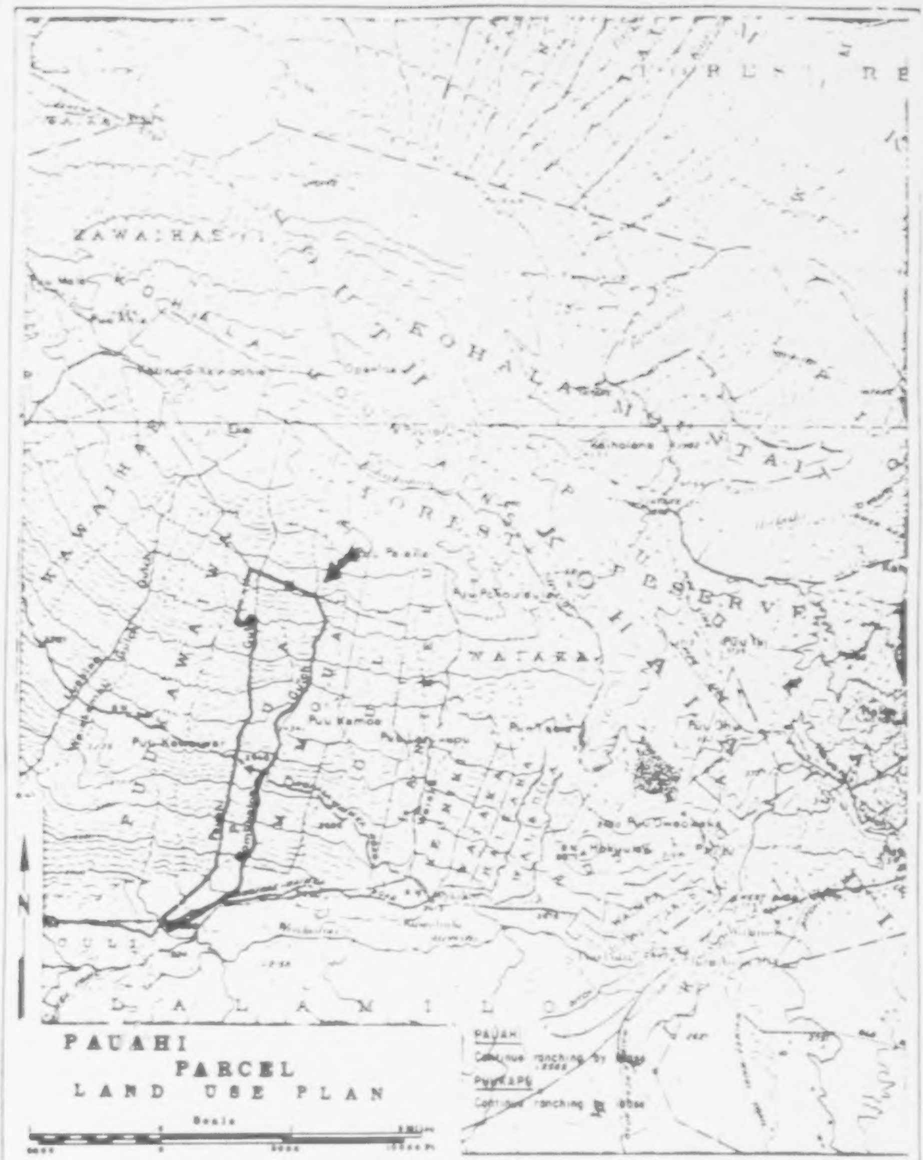
-NHDO. A Notebook of Unique Ecosystems and Habitats for Threatened and Endangered Species on Lands Administered by the Department of Hawaiian Home Lands. Special Publication 2, July, 1985.

-DHHL General Plan. April, 1976.

-Land Use Study of Hawaiian Home Lands for the State of Hawaii. Analytical Planning Consultants, Inc. Honolulu, Hawaii, April 30, 1971.

-Cleg, Donald and Richard A. Bird. Program Study and Evaluation of the Department of Hawaiian Home Lands, State of Hawaii, submitted to the Office of the Governor, January 20, 1971.

-DHHL, Land Inventory and Land Use Study for the Department of Hawaiian Home Lands, Arthur Akinaka, Ltd., December 18, 1972.



PAUAHI PARCEL
LAND USE PLAN

KAWAIHAE
KOHALA
KOHALA MTN.
FOREST RESERVE
WAIKA
PUUKAPU
WAIMEA
OULI
PALAMILO
Puu Kamoa
Puu Kawaiwai
N
PAUAHI
Continue ranching by lease
PUUKAPU
Continue ranching by lease
Scale

TMK 6-2-01, 6-5-01 Hawaiian Homes Land

[illegible]

These two parcels wrap around [illegible] slopes between Honokaa and Waimea. "Kamoku" [illegible] division" or "island" while "Kapulena" is named [illegible] of Hamakua.

DESCRIPTION: [illegible]

Tax Map Key References: 3rd Taxation District

4-7, 4-7-06, 07 (Supp.)

-Temperature:	Low 50's to High 70's (average 68 F)
-Rainfall:	Variable 40-60 inches annually in higher elevations and 100-150 inches annually in the lower elevations.
-Vegetation:	The area is utilized as pasture and is primarily covered by Kikuyu grass (Pennisetum clandestinum). Few scattered koa and ohia dot the landscape.
-Infrastructure:	The area is bisected byt the Hawaii Belt Highway and Mamalohoa Highway. County domestic water is in the area as are utilities.
-Land Use Designation:	Agriculture--State Land Use Commission/ Pasture--DHHL General Plan
-Archaeological Sites:	No sites have been reported to DLNR.
-Environmental Significance:	No endangered or threatened species are known to inhabit the area. The area's major significance is that it serves as buffer between human development and native ecosystems at the higher elevations and further to the east.

DHHL LAND USE/ENCUMBRANCES:

-Homesteading Leases: Pastoral - 11 leases

-Licenses: Easement to County Dept. of Water Supply (waterline) for 21 years (12/16/77-12/15/98(@ $1.

-Former EO Land: 20.330 acres returned by DLNR (Hamakua Forest Reserve)- EO #1067 (5/12/44)

-Former Proclamation Lands: 445.55 acres returned by DLNR (Hamakua Forest Reserve) PROC. OF 12/22/28

DHHL BENEFICIARY DEMAND: (as of 6/30/89)

	Waiting List
(PAS) Island-wide	418
Waimea	230

DHHL CONCERNS:

-Feasibility of developing stockwater system for the area

DHHL PLANNING REFERENCES:

-DHHL General Plan, April, 1976.

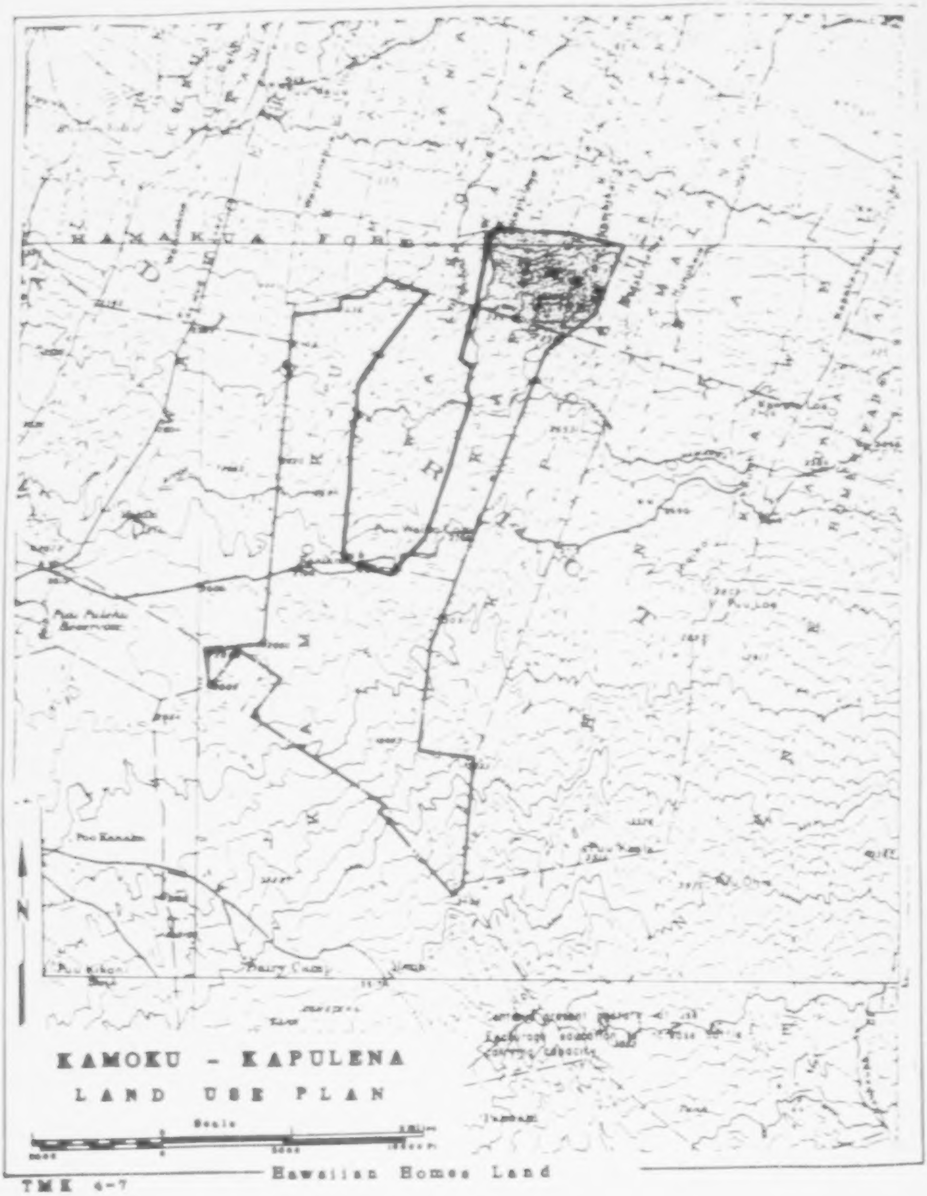
-Land Use Study of Hawaiian Home Lands for the State of Hawaii, Analytical Planning Consultants, Inc. Honolulu, Hawaii, April 30, 1971.

-Cleg, Donald and Richard A. Bird, Program Study and Evaluation of the Department of Hawaiian Home Lands, State of Hawaii, submitted to the Office of the Governor, January [illegible].

-WHDO, A Notebook of Commonly Known Archaeological and Historical Sites Located on Lands Administered by the Department of Hawaiian Home Lands, Special Publication 1, July, 1984 (rev. 11/84)

-WHDO, A Notebook of Unique Ecosystems and Habitats for Threatened and Endangered Species on Lands Administered by the Department of Hawaiian Home Lands, Special Publication 2, July, 1985.

-DHHL, Land Inventory and Land Use Study for the Department of Hawaiian Home Lands, Arthur Akinaka, Ltd., December 18, 19[illegible].


HAMAKUA FOREST
Puu Pulehu Reservoir
Puu Kanakea
Puu Kikoni
Dairy Camp
Puu Loa
N
Scale
5000
0
5000
10000 Ft.

KAMOKU - KAPULENA
LAND USE PLAN

TMK 4-7

——— Hawaiian Homes Land

WAIMANU

Department lands in Waimanu Valley are located near the valley's mouth and are subject to periodic flooding. As its name implies, the valley has always supported a great deal of water bird life.

DESCRIPTION: Total acres = 200 acres

Tax Map Key References: 3rd Taxation District

4-9, 4-9-14

-Elevation:	Sea level or slightly above (0-5 feet)
-Soils:	The valley's bottom lands include Tropaquepts soils which have a surface of dark-grey mucky silt loam and subsoil of silty clay loam, and rough broken land consisting of very steep, precipitous lands broken by intermittent drainage channels.
-Temperature:	High 60's to Low 90's (average 80 F)
-Rainfall:	Average annual rainfall = ± 200 inches
-Vegetation:	Lands support native hala (Pandanus), papaya, coconut, and pohuahue species, breadfruit, and ironwood. The majority is covered by California grass and sedge in a semi-marsh environment.
-Infrastructure:	A coastal trail leads to the valley. Access can also be gained by sea. There is no infrastructure in the valley.
-Land Use Designation:	Conservation--State Land Use Commission/ Land Bank Reserve--DHHL General Plan
-Archaeological Sites:	The valley is rich in archaeological sites, most of which have not been surveyed. At one time the valley produced a great deal of taro and would have been inhabited by a fairly large population. Lands may have sites on them.
-Environmental Significance:	The valley is significant environmentally for providing scientists with complete systems. The valley with its watershed, streams, springs, beach, and bay provides excellent scientific and educational resources. Presently, DBED is negotiating with DHHL to incorporate its landholdings within a planned National Estuarine Sanctuary status for the valley.

DHHL LAND USE ENCUMBRANCES: [illegible]

DHHL BENEFICIARY DEMAND: [illegible]

	Waiting List
(AGR) Island-wide	[illegible],917

DHHL CONCERNS:

-Presence of Leptospirosis in the valley's water system

DHHL PLANNING REFERENCES:

-DHHL General Plan, April, 1976.

-Land Use Study of Hawaiian Home Lands for the State of Hawaii, Analytical Planning Consultants, Inc. Honolulu, Hawaii, April 30, 1971.

-Cleg, Donald and Richard A. Bird, Program Study and Evaluation of the Department of Hawaiian Home Lands, State of Hawaii, submitted to the Office of the Governor, January 20, 1971.

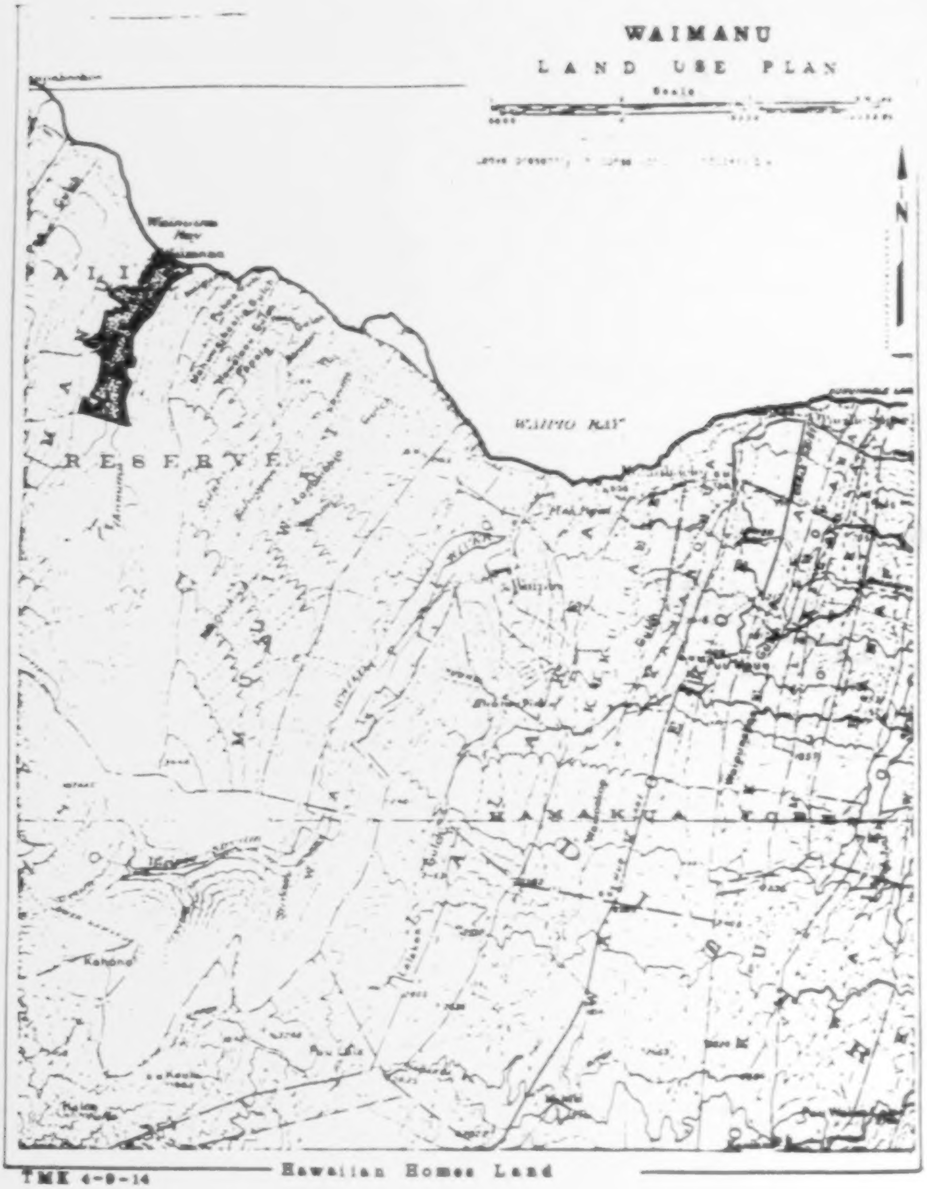
-WHDO, A Notebook of Commonly Known Archaeological and Historical Sites Located on Lands Administered by the Department of Hawaiian Home Lands, Special Publication 1, July, 1984 (rev. 11/84)

-WHDO, A Notebook of Unique Ecosystems and Habitats for Threatened and Endangered Species on Lands Administered by the Department of Hawaiian Home Lands, Special Publication 2, July, 1985.

-DPED, Waimanu National Estuarine Sanctuary Management Plan, Decision Analysts Hawaii, Inc., June 1984.

-Beck, Gary, A Survey of the Mammalian Fauna in the Waimanu Valley, Island of Hawaii for the Prevalence of Leptospirosis, Summer/Fall, 1977.

-DHHL, Land Inventory and Land Use Study for the Department of Hawaiian Home Lands, Arthur Akinaka, Ltd., December 18, 1972.


WAIMANU
LAND USE PLAN
Scale
N
Waimanu Bay
WAIPIO BAY
PALI
RESERVE
HAMAKUA
Kahana
TMK 4-9-14
Hawaiian Homes Land

NIENIE

This parcel is located on the Hamakua coast [illegible] Honokaa. "Nienie" translates as "shear and [illegible]". This may refer to some characteristic of the area.

DESCRIPTION: Area - 7,135.140 acres

-Elevation:	2,500 feet - 4,000 feet
-Soils:	The soil is moderately deep to deep volcanic ash which is well drained but moist in the lower elevations. The dominant soil association is Honokaa silty clay loam (HTD).
-Temperature:	Low 50's to High 80's (average 72 F)
-Rainfall:	40-60 inches annually in higher elevations and 100-150 inches annually in the lower elevations.
-Vegetation:	The area is utilized as pasture and is primarily covered by Kikuyu grass (*Pennisetum clandestinum*). The former forest reserve area has been forested with eucalyptus (*Eucalyptus* sp.).
-Infrastructure:	Narrow improved and unimproved roads service the areas. County water is available and is pumped into the area.
-Land Use Designation:	Agriculture and Conservation-Land Use Commission/Pasture and Land Bank Reserve --DHHL General Plan
-Archaeological Sites:	No sites have been reported to DLNR.
-Environmental Significance:	No endangered or threatened species are known to inhabit the area. The area's major significance is that it serves as buffer between human development and native ecosystems at the higher elevations and further to the east.

DHHL LAND USE/ENCUMBRANCES:

-Homesteading Leases: Pastoral - 22 leases

-Licenses: 435 acres to Department of Water Supply (waterline) for 21 years (5/1/81-4/30/02) @ $1.

-Right of Entry Permits: Easement to DLNR (install waterline) perpetual (7/30/76) - gratis

-Former Proclamation Lands: 612.00 acres returned by DLNR (Hamakua Forest Reserve) PROC. OF 12/22/28

DHHL BENEFICIARY DEMAND:

	Waiting List
(PAS) Island-wide	418
Waimea	230

DHHL CONCERNS:

-Feasibility of developing stockwater system for the area.

DHHL PLANNING REFERENCES:

-DHHL General Plan, April, 1976.

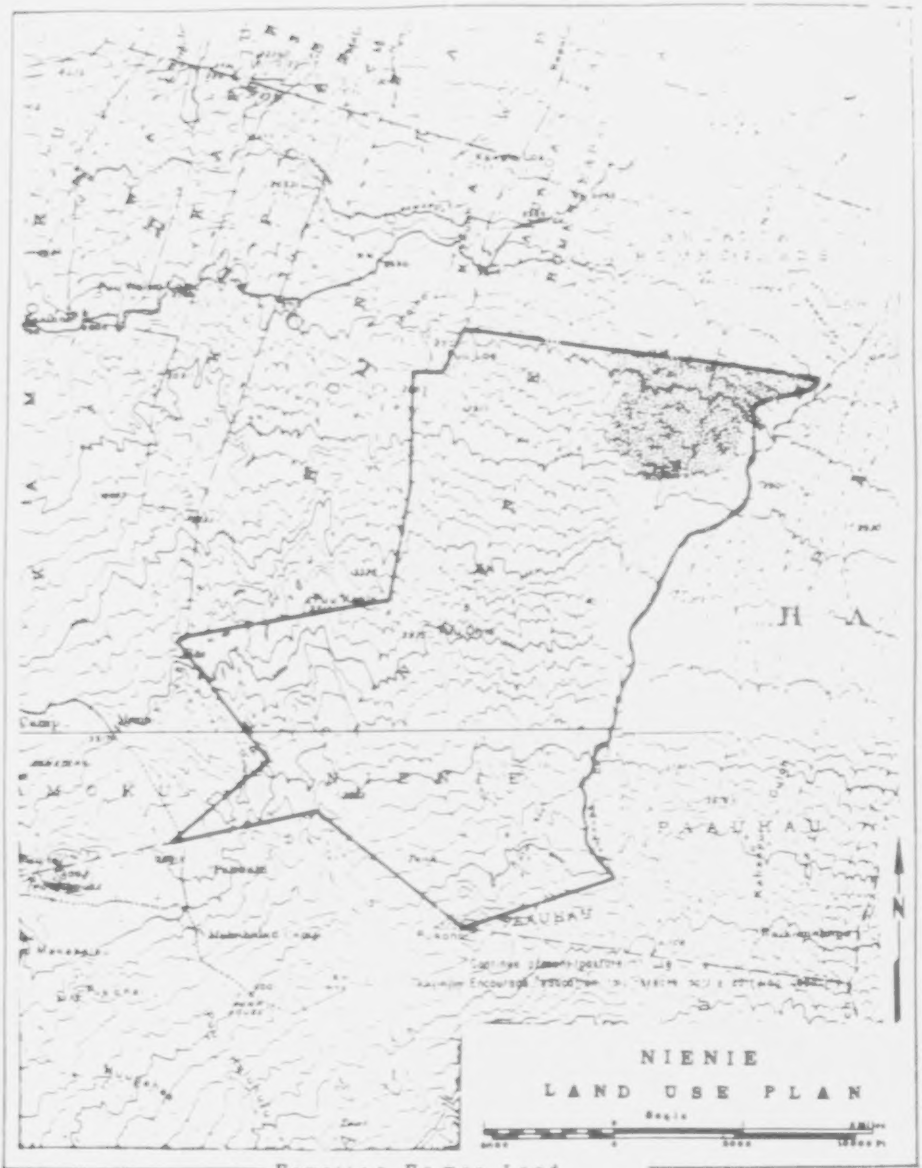
-Land Use Study of Hawaiian Home Lands for the State of Hawaii. Analytical Planning Consultants, Inc. Honolulu, Hawaii, April 30, 1971.

-Cleg, Donald and Richard A. Bird, Program Study and Evaluation of the Department of Hawaiian Home Lands, State of Hawaii, submitted to the Office of the Governor, January 20, 1971.

-NHDO, A Notebook of Commonly Known Archaeological and Historical Sites Located on Lands Administered by the Department of Hawaiian Home Lands. Special Publication 1, July, 1984 (rev. 11/84)

-NHDO, A Notebook of Unique Ecosystems and Habitats for Threatened and Endangered Species on Lands Administered by the Department of Hawaiian Home Lands. Special Publication 2, July, 1985.

-DHHL, Land Inventory and Land Use Study for the Department of Hawaiian Home Lands, Arthur Akinaka, Ltd., December 18, 1972.


NIENIE
LAND USE PLAN
Scale
N
PAAUHAU
H A
Camp

Hawaiian Homes Land

TMK 4-6-12

HUMUULA

Humuula is on the north-eastern slope of Mauna Kea. The lands are located at about the 5,500 foot elevation level. The name "Mumu'ula" refers to red jasper stone which was used for adzes and is probably found in the area.

DESCRIPTION: Area - 49,100,000 acres

Tax Map Key References: 3rd Taxation District

Tax Map Key: 3-8, 3-8-01

-Elevation:	5,500-10,000 feet
-Soils:	The predominant soil is Kilohana Loamy Fine Sand (K2D) with 12-20% slope. Because of the large size of the property, however, there are many other soil associations also present.
-Temperature:	Low 40's to High 70's (average 68 F)
-Rainfall:	Average annual rainfall = +/50 inches
-Vegetation:	The property includes three distinct associations and variations thereof. Manane forest associations are found at the higher elevations. Grasslands with remnant koa forest is found in the intermediate elevations. Koa-ohia forest associations are found in the lower elevations. Some of the native plants found within Humuula include: Ahinahina (Argyroxiphium sandwicense)* - Mauna Kea Silversword Manane (Sophora chysophylla) Naio (Myoporium sandwicense) Ohia (Metrosideros Collina) Koa (Acacia koa) Akala (Rubus hawaiiensis) Hapuu (Cibotium spp.) *Federally recogni endangered species Ohelo (Vaccinium spp.) Vicia menziesii*
-Infrastructure:	The property can be assessed at either end by the Saddle Road or by Mana Road. An unimproved Keanakolu Road transects the property and links the Saddle Road with Mana Road. No County water service is available through Parker Ranch has developed a small reservoir system which is fed by water run-off from the Mauna Kea access road. Power lines pass over the property though no electricity is presently available for homestead use.
-Land Use Designation:	Agriculture/Conservation--State Land Use Commission/Land Bank Reserve--DHHL General Plan
-Archaeological Sites:	No registered sites

Environmental Significance [illegible]

DHHL LAND USE ENCUMBRANCES:

-General Lease--33,179.937 acres to Parker Ranch for 25 years (9/1/77-8/31/02) @ $127,800 annually--3 leases.

-License--.905 acres to W.H. Shipman (road easement) perpetual with revisionary clause @ $3,000 for term

--to Hawaiian Telephone Co. (radio-tel. relay) 21 years (1/26/83-1/25/04) @ $50 for term

--to Hawaiian Telephone Co. (utility) 21 years (1985-2006)

--to US Fish and Wildlife Service (roadway) perpetual (6/1/86) @ $90

-Right of Entry--to HELCO (powerline facilities for 138 KV line) 1/4/85

-Former EO Lands--11,123.800 acres returned by DLNR (Game Reserve)-taken by EO #1653 (8/24/54)

-Former PROCLAMATION Lands--4,117.00 acres returned by DLNR (Mauna Kea Forest Reserve)-taken by PROC. of 5/2/38

DHHL BENEFICIARY DEMAND: (as of 6/30/89)

	Waiting List
(RES) Island-wide	3,052
(AGR) Island-wide	2,917
(PAS) Humuula	5
Island-wide	118

DHHL CONCERNS:

-Need for master plan designating land use and land management strategies

-Need to develop adequate infrastructure for planned pasture awards

-Need to determine ownership of Keanakolu Road

-Need to compliment development with environmental significance

DHHL PLANNING REFERENCES:

-NHDO, A Notebook of Commonly Known Archaeological and Historical Sites Located on Lands Administered by the Department of Hawaiian Home Lands. Special Publication 1, July, 1984 (rev. 11/84)

-NHDO, A Notebook of Unique Ecosystems and Habitats for Threatened and Endangered Species on Lands Administered by the Department of Hawaiian Home Lands. Special Publication 2, July, 1985.

-University of Hawaii, *Amendment to the Mauna Kea Science Reserve Complex Development Plan*, August, 1985.

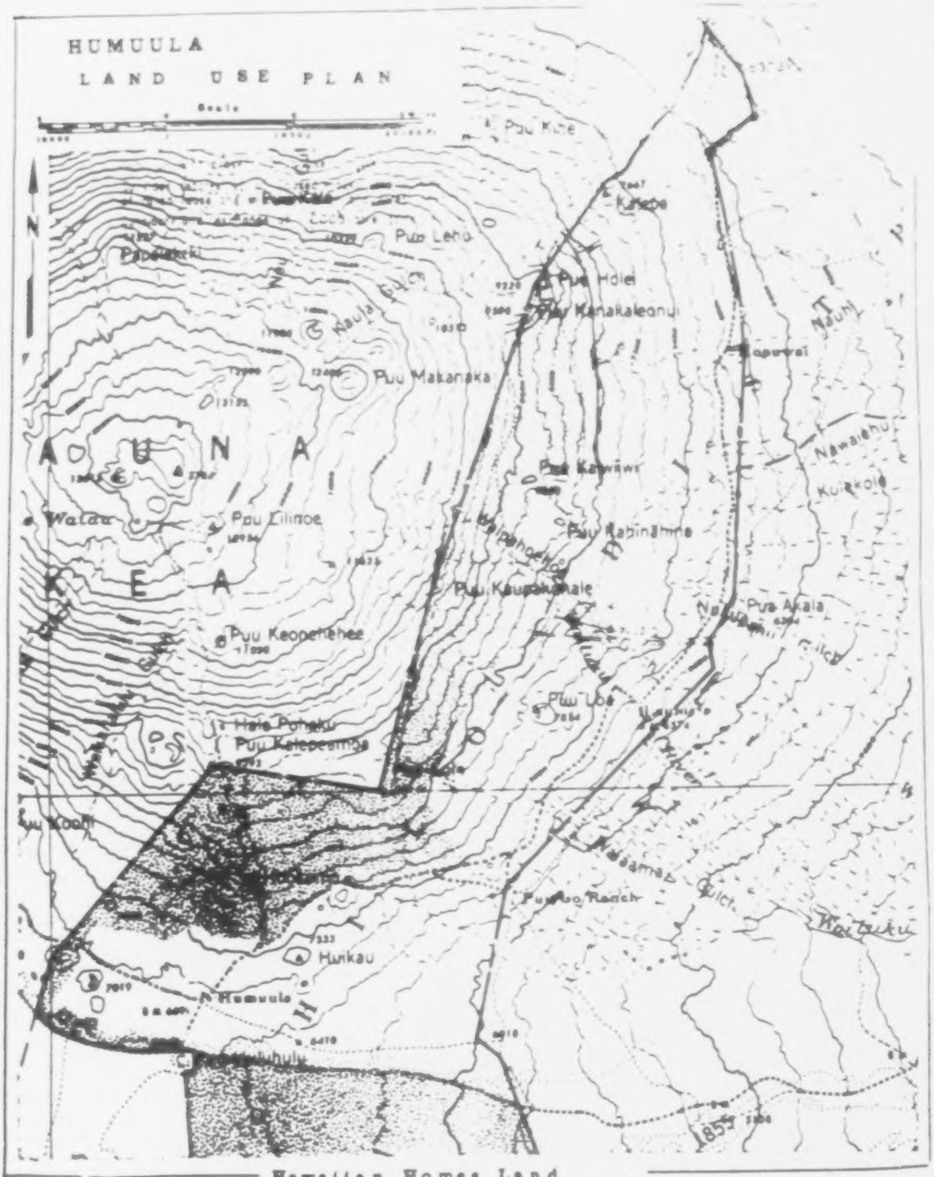
-DLNR, *Mauna Kea Planning Study*, State of Hawaii, [illegible]

-*DHHL General Plan*, April, 1976.

-*Land Use Study of Hawaiian Home Lands for the State of Hawaii*, Analytical Planning Consultants, Inc., Honolulu, Hawaii, April 30, 1971.

-Cleg, Donald and Richard A. Bird, *Program Study and Evaluation of the Department of Hawaiian Home Lands, State of Hawaii*, submitted to the Office of the Governor, January 20, 1971.

-DHHL, *Land Inventory and Land Use Study for the Department of Hawaiian Home Lands*, Arthur Akinaka, Ltd., December 18, 1972.


HUMUULA
LAND USE PLAN
Scale
N
Puu Kole
Puu Kahe
Papaakiki
Puu Leho
Kalepa
Puu Holei
Puu Kanakaleonui
Waiau Gulch
Puu Makanaka
Keanakolu
Nauhi
Nawaiehu
Kuikoloa
M A U N A K E A
Waiau
Puu Lilinoe
Puu Kawawe
Puu Pohakuloa
Puu Kaupakuhale
Puu Keonehehee
Puu Akala
Hale Pohaku
Puu Kalepeamoa
Puu Loa
Puu Koohi
Huikau
Humuula
Puu Oo Ranch
Waiakamali Gulch
Wailuku
1859

TMK 3-8-18, 3-8-01 **Hawaiian Homes Land**

PANAEWA

Panaewa is one of the Department's major homesteading areas. It includes agricultural and residential homesteads and is the site of the Department's major industrial area. The name "Panaewa" is famous in Hawaiian legend and is often referred to in Pele legends.

DESCRIPTION: Area - 2,111.360 acres

Tax Map Key References: 3rd Taxation District

Tax Map Key: 2-1-25, 2-2-47, 50, 57, 58, 59, 60, 61, 62

-Elevation:	80 feet--160 feet above sea level
-Soils:	The predominant soil types are Paipai Extremely Stony Much (rPAE) and Keaukaha Extremely Rocky Much (rKFD)
-Temperature:	60's to High 90's (average 76 F)
-Rainfall:	The median annual rainfall is 145.3 inches
-Vegetation:	Exotics, the dominant native species in the forest is 'ohi'a (*Metrosideros ollina*)
-Infrastructure:	One-land paved roads are found throughout most of the area. Some unimproved roads presently service lots awarded under the accelerated land distribution program. County domestic water services the industrial, agricultural, and residential areas. Utilities, likewise, are in place
-Land Use Designation:	Urban and agriculture--State Land Use Commission/Commercial, Industrial, Residential, and Agriculture--DHHL General Plan
-Archaeological Sites:	No recorded sites are in the area. Panaewa was the home of "mo'o" who was destryed by Pele's sister Hi'iaka. There is cultural significance to the area
-Environmental Significance:	The area does not serve as habitat for any known endangered or threatened species

DHHL LAND DESIGNATION:

-Residential homestead use--208 residential homesteads

-Agricultural homesteads-- 217 agricultural homesteads

-Commercial/Industrial--206 acres leased/186 acres unimproved

-Accelerated land distribution program--68 residential lots
96 agricultural lots

DHHL BENEFICIARY DEMAND [illegible]

		Waiting List
RES-	Keaukaha/Waiakea	136
	Island-wide	[illegible]
AGR-	Panaewa	[illegible]
	Island-wide	[illegible]

DHHL CONCERNS:

-Development of improvement for lots awarded through the accelerated land distribution program

-Development of potentials for the Prince Kuhio Shopping Center

DHHL PLANNING REFERENCES:

-DHHL General Plan, April, 1976.

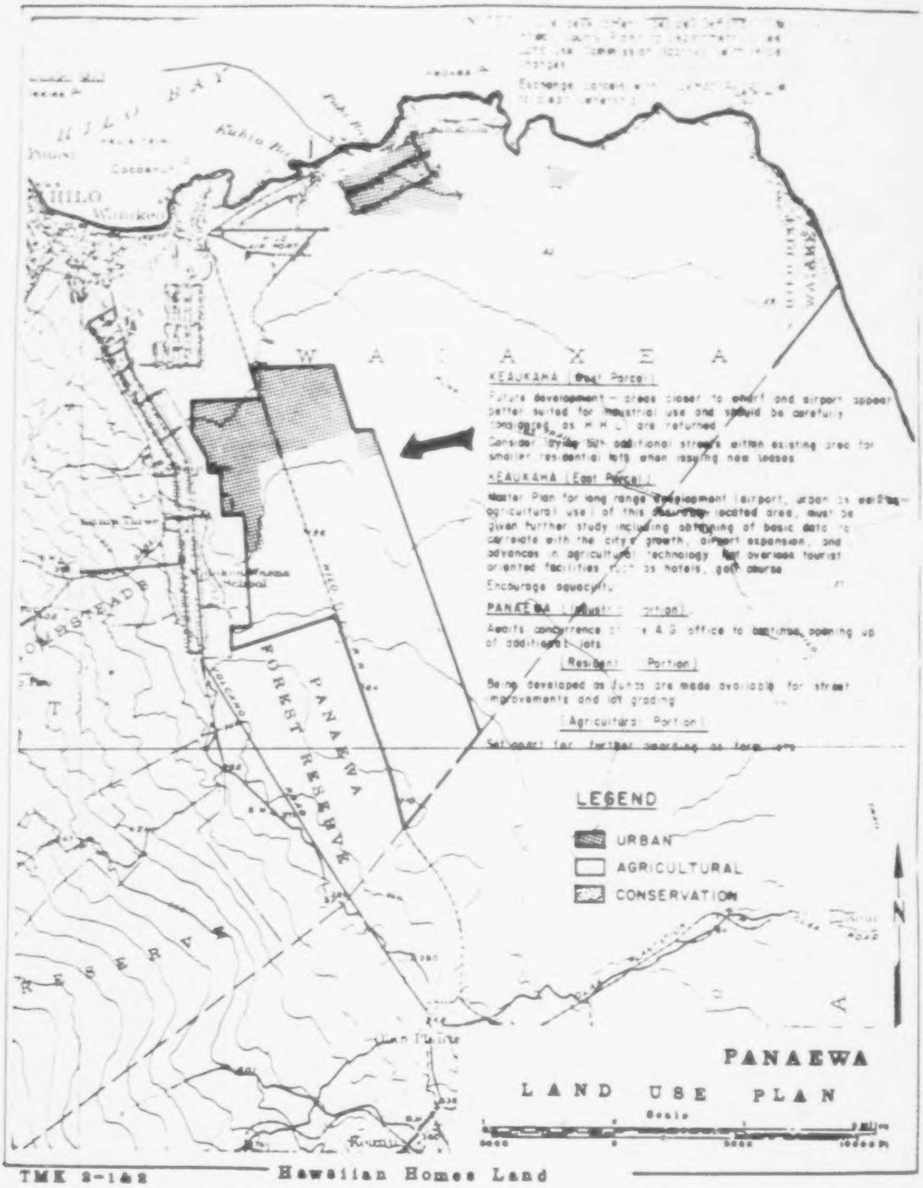
-Ming Chew Associates, Panaewa Plan, prepared for DHHL, Honolulu, Hawaii, May 1986

-DHHL General Plan, April 1976

-Land Use Study of Hawaiian Home Lands for the State of Hawaii, Analytical Planning Consultants, Inc. Honolulu, Hawaii, April 30, 1971.

-Cleg, Donald and Richard A. Bird, Program Study and Evaluation of the Department of Hawaiian Home Lands, State of Hawaii, submitted to the Office of the Governor, January 20, 1971.

-DHHL, Land Inventory and Land Use Study for the Department of Hawaiian Home Lands, Arthur Akinaka, Ltd., December 18, 1972.


HILO BAY
Kuhio Bay
Puhi Bay
Cocoanut Island
HILO
Waiakea
WAIAKEA
PANAEWA FOREST RESERVE
HOMESTEADS
RESERVE
LEGEND
▨ URBAN
☐ AGRICULTURAL
▨ CONSERVATION
N
PANAEWA
LAND USE PLAN
Scale
0
1
2 Miles
5000
0
5000
10000 Ft.

[illegible]

Exchange parcels [illegible]

KEAUKAHA (West Parcel)

Future development – areas closer to wharf and airport appear better suited for industrial use and should be carefully considered as H.H.L. are returned.

Consider laying out additional streets within existing area for smaller residential lots when issuing new leases.

KEAUKAHA (East Parcel)

Master Plan for long range development (airport, urban as well as agricultural use) of this favorably located area, must be given further study including obtaining of basic data to correlate with the city's growth, airport expansion, and advances in agricultural technology. Not overlook tourist oriented facilities such as hotels, golf course.

Encourage aquaculture.

PANAEWA (Industrial Portion)

Awaits concurrence of the A.G. office to continue opening up of additional lots.

(Residential Portion)

Being developed as funds are made available for street improvements and lot grading.

(Agricultural Portion)

Set apart for further awarding as farm lots.

TMK 2-1&2 Hawaiian Homes Land

KEAUKAHA I

Keaukaha I is one of the Department's oldest residential areas. It's name refers to the ocean's "passing current" area. The area has been described in song by a number of Hawaiian song writers.

DESCRIPTION: Area - 1,671.366 acres

Tax Map Key References: 3rd Taxation District

Tax Map Key: 2-1, 2-1-11, 12, 13, 20, 21, 22, 23, 24.

Map References:

Registered Map 2723--March 12, 1925 (Revised June 23, 1927)
Plat 2.1 H.H. (September, 1931)
Plat 2.1 and 2.2 H.H.
Plat 2.3 H.H. (June, 1975)

-Elevation: Sea level--30 feet

-Soils: Predominantly extremely rocky muck (rKFD) and material from Pahoehoe lava flows

-Temperature: Low 60's to High 90's (average 72 F)

-Rainfall: Average median rainfall = 131 inches annually

-Vegetation: Exotics--predominantly residential area

-Infrastructure: Paved one-lane roads, County domestic water, utilities (without County sewer system), unimproved survey roads

-Land Use Designation: Agriculture--State Land Use Commission/ Residential--DHHL General Plan

-Archaeological Sites: No registered sites

-Environmental Significance: No reported endangered/threatened species

DHHL LAND DESIGNATION:

-Residential Homestead Use: 458 residential homesteads

121 lots developed under the accelerated land distribution program

DHHL BENEFICIARY DEMAND: (As of

	Waiting List
Keaukaha/Waiakea	136
Island-wide	3,052

DHHL CONCERNS:

-Development of infrastructure to lots awarded under the accelerated land distribution program

-Resolvement of problems surrounding the County [illegible] treatment facility at Keaukaha

-Replacement of Keaukaha homes on the Hilo Replacement [illegible]

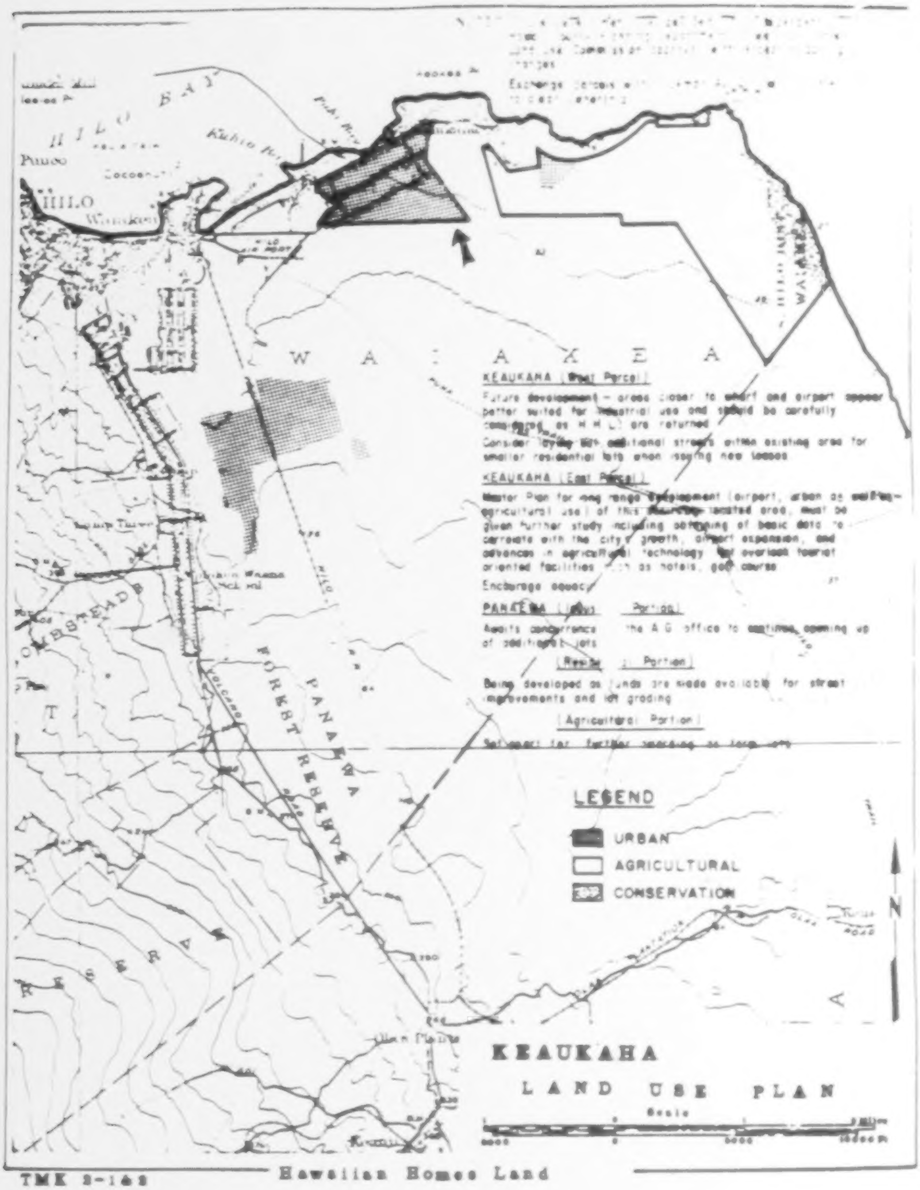
DHHL PLANNING REFERENCES:

-DHHL General Plan, April, 1976.

-Land Use Study of Hawaiian Home Lands for the State of Hawaii, Analytical Planning Consultants, Inc. Honolulu, Hawaii. April 30, 1971.

-Cleg, Donald and Richard A. Bird, Program Study and Evaluation of the Department of Hawaiian Home Lands, State of Hawaii, submitted to the Office of the Governor, January 20, 1971.

-DHHL, Land Inventory and Land Use Study for the Department of Hawaiian Home Lands, Arthur Akinaka, Ltd., December 18, 1972.


HILO BAY
Kuhio Bay
Puhi Bay
Pauuo
Cocoanut
HILO
Waiakea
HILO AIRPORT
W A I A K E A
WAIAKEA
HOMESTEADS
PANAEWA FOREST RESERVE
RESERVE
VOLCANO ROAD
OLAA ROAD
N
URBAN
AGRICULTURAL
CONSERVATION
Scale

[illegible]

Exchange parcels with [illegible]

KEAUKAHA (West Parcel)

Future development – areas closer to wharf and airport appear better suited for industrial use and should be carefully considered as H.H.L. are returned.

Consider laying out additional streets within existing area for smaller residential lots when issuing new leases.

KEAUKAHA (East Parcel)

Master Plan for long range development (airport, urban as well as agricultural use) of this favorably located area, must be given further study including obtaining of basic data to correlate with the city's growth, airport expansion, and advances in agricultural technology for overlook tourist oriented facilities such as hotels, golf course.

Encourage [illegible]

PANAEWA ([illegible] Portion)

Awaits concurrence [illegible] the A.G. office to continue opening up of additional lots.

(Residential Portion)

Being developed as funds are made available for street improvements and lot grading.

(Agricultural Portion)

Set apart for further awarding as farm lots.

KEAUKAHA

LAND USE PLAN

TMK 2-1-2 Hawaiian Homes Land

KEAUKAHA II

Keaukaha II is located on the outskirts of Hilo and is generally underdeveloped. It has been the site of [illegible] in years past as beneficiaries moved to the undeveloped lands and began homesteading them without Department authorization.

DESCRIPTION: Area - 1,871.300 acres [illegible]

Tax Map Key References: 3rd Taxation District

Tax Map Key: 2-1, 2-1-11, 12, 13, 20, 21, 22, 23, 24

Map References:

Registered Map 2723--March 12, 1925 (Revised June 23, [illegible]
Plat 2.1 H.H. (September, 1931)
Plat 2.1 and 2.2 H.H.
Plat 2.3 H.H. (June, 1975)

-Elevation:	Sea level--30 feet
-Soils:	Shallow soils, predominently material from Pahoehoe lava flows (rLW)
-Temperature:	Low 60's to High 90's (average 7e F)
-Rainfall:	Average 137 inches annually
-Vegetation:	Low diversity of plant species dominated by hala (*Pandanus adoratissimus*) and 'ohi'a (*Metrosideros ollina*)
-Infrastructure:	Unimproved roads, no County water or sewer service, no utilities
-Land Use Designation:	Agriculture--State Land Use Commission/Land Bank Reserve--DHHL General Plan
-Archaeological Sites:	Burials, platforms, old trails
-Environmental Significance:	Anchialine ponds frequent the area; coastline resources include limu and fish

DHHL LAND DESIGNATION:

-Land Bank Reserve--designated by the DHHL's General Plan

-Right of Entry Agreement with Malama Ka 'Aina Hana Ka 'Aina

DHHL BENEFICIARY DEMAND: (As of 6/30/89)

	Waiting List
Keaukaha/Waiakea	136
Island-wide	3,052

DHHL CONCERNS:

-Development of a plan for developing and managing the lands at Keauaka II

-Resolvement of insurance for those members of Malama Ka 'Aina Hana Ka 'Aina

DHHL PLANNING REFERENCES:

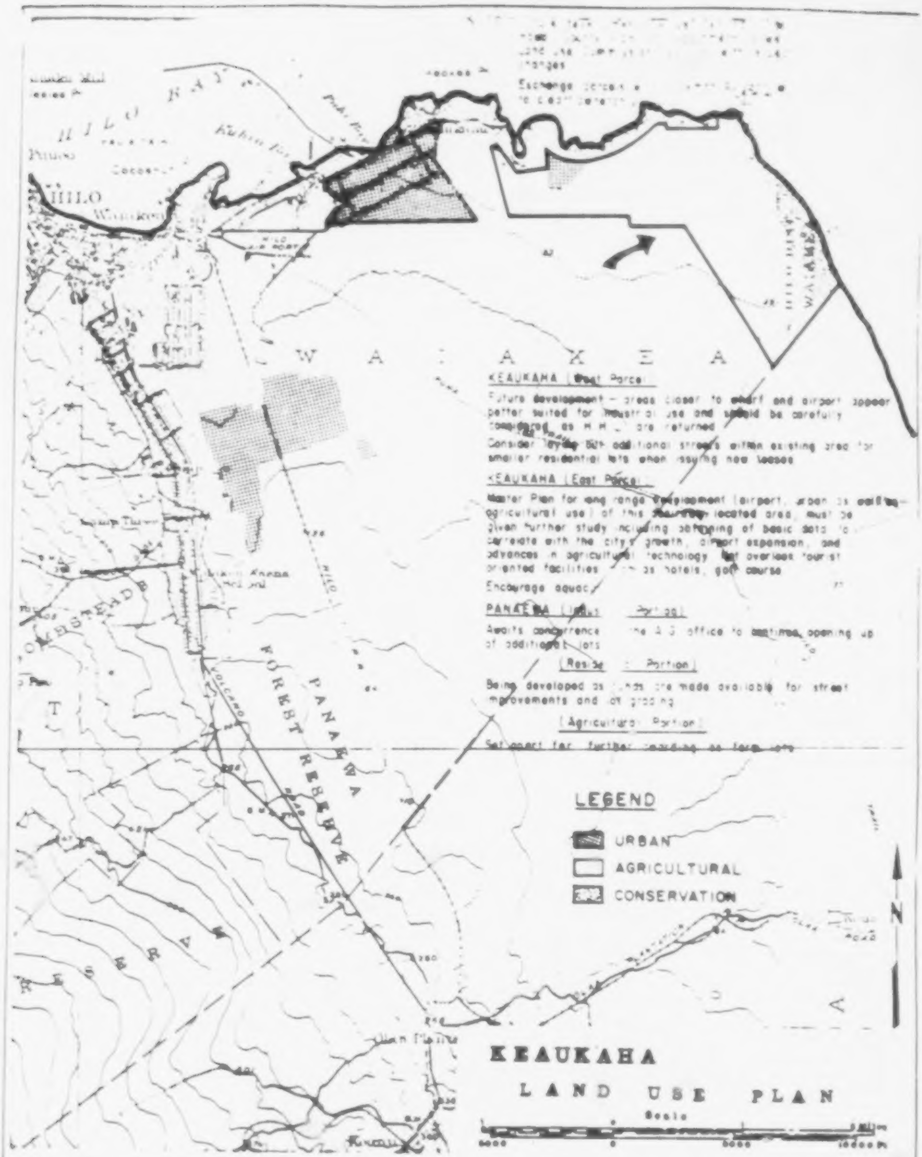
-*DHHL General Plan*, April, 1976.

-Malama Ka 'Aina Hana Ka 'Aina, *Subsistence Homesteads*. Palapala Ink, Honolulu, Hawaii, 1987

-*Land Use Study of Hawaiian Home Lands for the State of Hawaii*. Analytical Planning Consultants, Inc. Honolulu, Hawaii, April 30, 1971.

-Cleg, Donald and Richard A. Bird, *Program Study and Evaluation of the Department of Hawaiian Home Lands, State of Hawaii*, submitted to the Office of the Governor, January 20, 1971.

-DHHL, *Land Inventory and Land Use Study for the Department of Hawaiian Home Lands*, Arthur Akinaka, Ltd., December 18, 1972.


HILO BAY
Kuhio Bay
HILO
Waiakea
HILO AIRPORT
WAIAKEA
PANAEWA FOREST RESERVE
HOMESTEADS
RESERVE
LEGEND
▨ URBAN
☐ AGRICULTURAL
▦ CONSERVATION
N
Scale

[illegible] changes

Exchange parcels [illegible]

KEAUKAHA (West Parcel)

Future development – areas closer to wharf and airport appear better suited for industrial use and should be carefully considered as H.H.L. are returned

Consider laying out additional streets within existing area for smaller residential lots when issuing new leases

KEAUKAHA (East Parcel)

Master Plan for long range development (airport, urban as well as agricultural use) of this favorably located area, must be given further study including obtaining of basic data to correlate with the city's growth, airport expansion, and advances in agricultural technology. Not overlook tourist oriented facilities such as hotels, golf course

Encourage aquac[illegible]

PANAEWA (Urban Portion)

Awaits concurrence [illegible] the A.G. office to continue opening up of additional lots

(Residential Portion)

Being developed as funds are made available for street improvements and lot grading

(Agricultural Portion)

Set apart for further awarding as farm lots

KEAUKAHA

LAND USE PLAN

TMK 2-1-2 **Hawaiian Homes Land**

PIIHONUA

DHHL's lands at Piihonua abut its lands at Humuula on the slopes of Mauna Kea on the island of Hawaii. The name Piihonua literally translates as "inclined land" and refers to the area's distinct slope.

DESCRIPTION: Area = 7,078.000 acres

Tax Map Key References: 3rd Taxation District

2-6, 2-6-18

-Elevation:	5,000-6,000 feet on the Hilo side of Mauna Kea
-Soils:	The major soil associations include the Piihonua soil series (Piihonua Extremely Stoney Silty Clay Loaom 6-20% slope) and the Puu Oo soil series (Puu Oo Silt Loam 6-12% slope). Other soils include types from the Laumaia, Akaka, Keei, and Kahaluu series.
-Temperature:	Low 40's to High 80's (average 69 F)
-Rainfall:	Average annual rainfall = +/- 100 50 inches
-Vegetation:	Portions of DHHL's lands have been cleared for pasture. Other portions remain as excellent native forest (Koa-'Ohi'a associations).
-Infrastructure:	Unimproved road access into the area leads from Keanakolu Road. An additional access to Benlehr's ranch facilities is available from the Saddle Road. There is no County water service nor electrical service to the area.
-Land Use Designation:	Agriculture-State Land Use Commission/Agriculture (Pasture Use)--DHHL General Plan
-Archaeological Sites:	No sites have been recorded with DLNR from the area. Very little archaeolgical work has been done in the area, however, and none has occured within Piihonua.
-Environmental Significance:	Portions of the native forest serve as critical habitat for a number of endangered bird species. The US Fish and Wildlife Service has approached DHHL in an effort to protect and preserve a portion of the native forest which abuts its Hakalau Preserve. There is a definite environmental significance to this area.

DHHL LAND USE/ENCUMBRANCES:

-General Lease--C.R. Benlehr, Ltd. for 7,078.00 acres for 25 years (5/1/68-4/30/93) @ $61,900

DHHL BENEFICIARY DEMAND [illegible]

Waiting List

(PAS) Humuula 3
Island-wide 418

DHHL CONCERNS:

-Development of pasture lots which will be awardable in the near future.

-Protection of native forest which serves as critical habitat for endangered native forest birds.

DHHL PLANNING REFERENCES:

-NHDO. A Notebook of Commonly Known Archaeological and Historical Sites Located on Lands Administered by the Department of Hawaiian Home Lands. Special Publication 1, July, 1984 (rev. 11/84).

-NHDO. A Notebook of Unique Ecosystems and Habitats for Threatened and Endangered Species on Lands Administered by the Department of Hawaiian Home Lands. Special Publication 2, July, 1985.

-DHHL General Plan. April, 1976.

-Land Use Study of Hawaiian Home Lands for the State of Hawaii. Analytical Planning Consultants, Inc. Honolulu, Hawaii, April 30, 1971.

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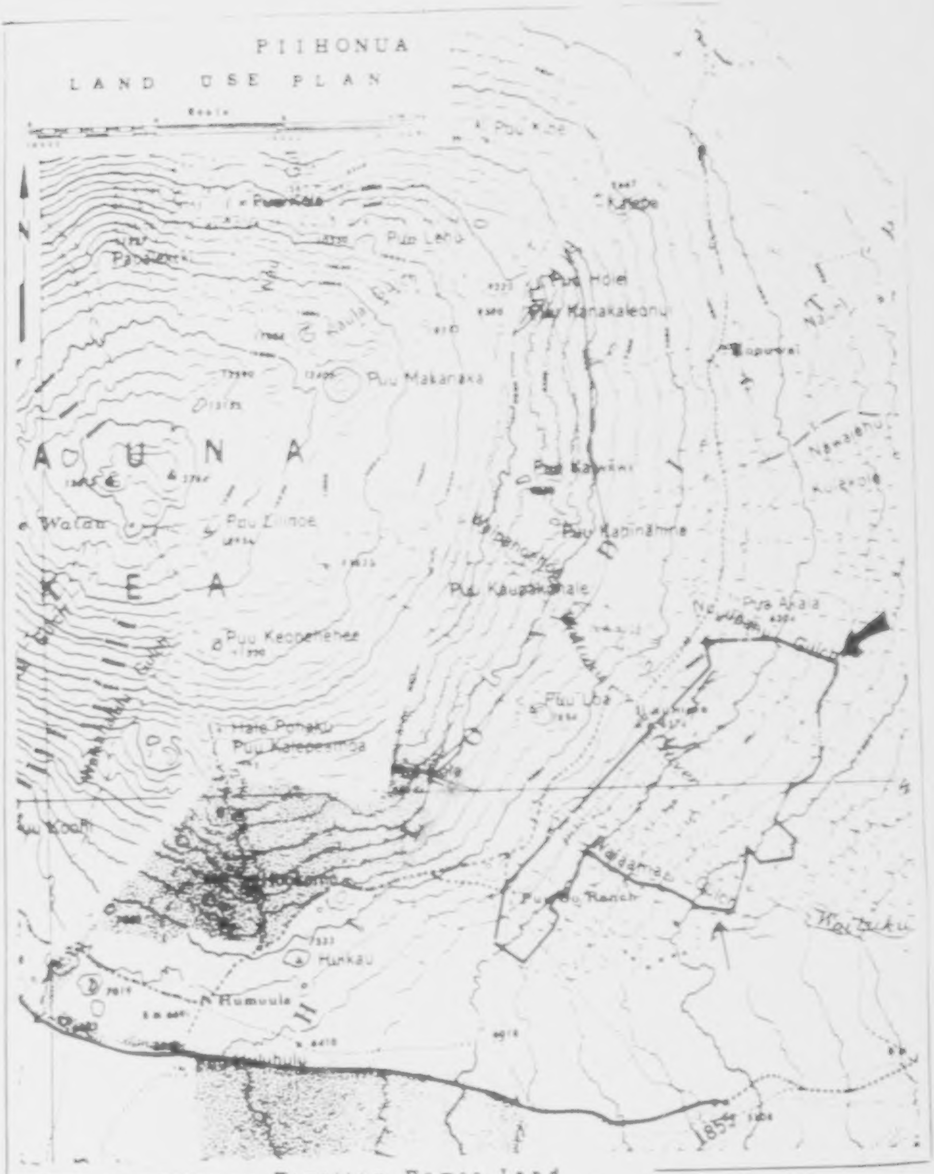

PIIHONUA
LAND USE PLAN
Scale
Puu Kole
Puu Lehu
Puu Holei
Puu Kanakaleonui
Kopuwai
Puu Makanaka
MAUNA KEA
Waiau
Puu Lilinoe
Puu Kaupakuhale
Puu Keonehehee
Puu Kapinahine
Puu Akala
Puu Uaa
Hale Pohaku
Puu Kalepeamoa
Puu Koohi
Humuula
Puu Oo Ranch
Wailuku
1855

Hawaiian Homes Land

TMK 2-6-18.3-8-01

[illegible]-MAKUU

Makuu is located about 14 miles from Hilo along the Keaau-Pahoa Highway. The name "maku'u" literally translates as "canoe end pieces" and possibly refers to the fact that the area has a plentiful supply of 'ohi'a from which end pieces were fashioned.

DESCRIPTION: Area - [illegible] acres

Tax Map Key References: 3rd Taxation District

Tax Map Key: 1-5, 1-5-08, 10.

-Elevation:	400-700 feet (mauka)/Sea level--150 feet
-Soils:	Predominant soil type is that associated with Pahoehoe lava flows (rLW)
-Temperature:	60's to High 90's (average 72 F - mauka parcels/75 F makai parcel)
-Rainfall:	Annual median rainfall = 130 inches-mauka parcel/100 inches-makai parcel
-Vegetation:	Exotics including wild orchids and native forest associated with 'ohi'a (metrosideros collina)
-Land Use Designation:	Agriculture--State Land Use Commission/Land Bank Reserve with possible "Rural Residential Use"--DHHL General Plan
-Archaeological Sites:	No recorded sites in the mauka parcels of land. Sites present in the makai parcel
-Environmental Significance:	A few native plants are found in the area but no endangered or threatened species have been found in the area

DHHL LAND DESIGNATION:

-Agricultural Homestead Use--177 lots developed by the accelerated land distribution program (50 2 acre/127 5 acre)/128 awarded

-General Lease--FAA (181 acres)

-Land Bank Reserve--464 acres (makai parcel)

DHHL BENEFICIARY DEMAND: (as of 6/30/89)

	Waiting List
RES-Island-wide	3,052
AGR-Island-wide	2,917

DHHL CONCERNS:

-Development of infrastructure improvements to the area including County standard roads, domestic/agriculture water, and utilities

-Alignment of geothermal-generated power lines

-Development of a DHHL plan for land development and management in the three parcels

DHHL PLANNING REFERENCES:

-DHHL General Plan, April, 1976.

-Land Use Study of Hawaiian Home Lands for the State of Hawaii, Analytical Planning Consultants, Inc. Honolulu, Hawaii, April 30, 1971.

-Cleg, Donald and Richard A. Bird, Program Study and Evaluation of the Department of Hawaiian Home Lands, State of Hawaii, submitted to the Office of the Governor, January 20, 1971.

-DHHL, Land Inventory and Land Use Study for the Department of Hawaiian Home Lands, Arthur Akinaka, Ltd., December 18, 1972.

DHHL LAND USES:

Homestead Use:	None
General Lease:	15,602 acres to Maui Factors at $31,240/yr. until 3/31/92 for cattle-grazing.
Revocable Permit:	191 acres to Haleakala Ranch at $873/yr. for cattle-raising.
Forest Reserve:	8,717 acres of upper area (returned to DHHL jurisdiction in 1984, maintained by DLNR).

DHHL BENEFICIARY DEMAND: (Islandwide waiting Lists as of 6/30/89)

Residential = 1,852; Agricultural = 1,787; Pastoral = 76.

DHHL CONCERNS:

- REVIEW LAND USE POTENTIALS: for homesteasing, income-generation, and other alternative uses.
- EVALUATE EXTENSION/DEVELOPMENT OF WATER, ELECTRICITY, AND OTHER INFRASTRUCTURE.
- EVALUATE MANAGEMENT OF ENVIRONMENTALLY-SENSITIVE AREAS: options for cultural and recreational uses, nature study, gathering, controlled hunting, etc.

DHHL PLANNING REFERENCES:

-DHHL General Plan 1976.

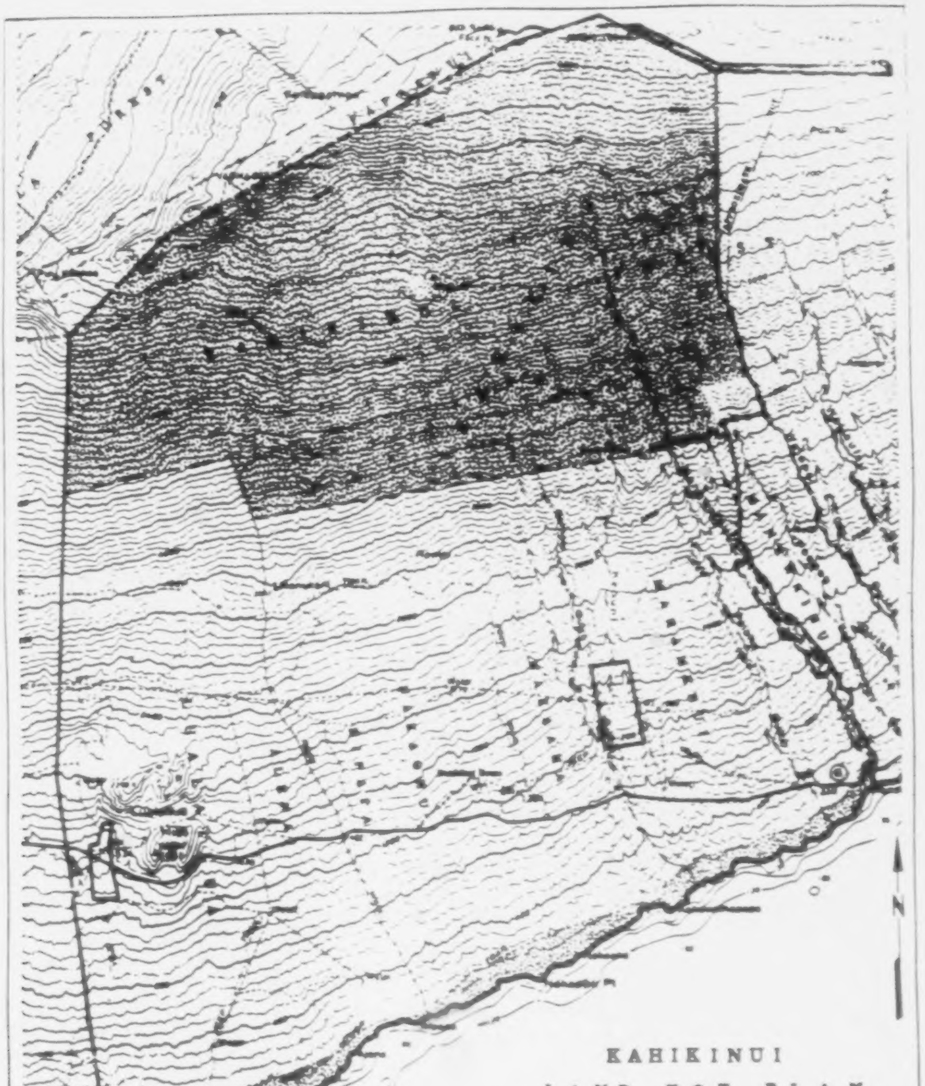
-NHDO, A Notebook of Commonly Known Archaeological and Historical Sites Located on Lands Administered by the Department of Hawaiian Home Lands, Special Publication 1, July, 1984 (rev. 11/84).

-NHDO, A Notebook of Unique Ecosystems and Habitats for Threatened and Endangered Species on Lands Administered by the Department of Hawaiian Home Lands, Special Publication 2, July, 1985.

-DHHL, Land Inventory and Land Use Study for the Department of Hawaiian Home Lands, Arthur Akinaka, Ltd., December 18, 1972.

-Land Use Study of Hawaiian Home Lands for the State of Hawaii, Analytical Planning Consultants, Inc. Honolulu, Hawaii, April 30, 1971.

-Cleg, Donald and Richard A. Bird, Program Study and Evaluation of the Department of Hawaiian Home Lands, State of Hawaii, submitted to the Office of the Governor, January 20, 1971.



KAHIKINUI

LAND USE PLAN

TMK 1-9 Hawaiian Homes Land

KULA

NAME:	Kula
Literal Translation:	"the plains"
SIZE/LOCATION/ACCESS:	6,111 acres on the west slope of Haleakala on the island of Maui, approximately 20 miles from Wailuku. State Highway 31 (Kula Highway) runs along the Mauka boundary..
Tax Map Key References:	Second Taxation District
2, 2-2, 2-2-02, 03, 04, and 07	
ELEVATION:	700' - 3,000'.
SOILS/SLOPES:	Kula cobbly loams, Kamaole stony silt loams, Kaimu extremely stony peat; average 8% - 15% slopes.
TEMPERATURES:	Ranges from average minimums in the mid-50's and average maximums in the mid-80's. Annual average at mid-elevation approximates 70 degrees F.
RAINFALL:	15" - 35", with higher annual averages at upper elevations.
VEGETATION:	Kikuyu grass, lantana, kiawe, christmas berry, black wattle, panini; others.
ENDANGERED SPECIES:	Varieties of hibiscus in the vicinity of Puu O Kali.
ARCHAEOLOGICAL SITES:	Several Heiau are on the federal and state registers of important historic sites. Recent surveys indicate extensive habitation and agricultural use of certain areas by ancient Hawaiians.
INFRASTRUCTURE:	
Water:	Limited supply now available at upper boundary from county Upper Kula Water System. Plans call for service to new homestead subdivisions from the Lower Kula Water System which has adequate capacity.
Electricity:	Available from above the Kula Highway.
Telephone:	Available from along the Kula Highway.
Sewage disposal:	Either septic tanks or a sewage treatment plant will be needed to service new homestead lots.
PUBLIC SERVICES:	Government services are centered in Wailuku and Kahalui. Kula Elementary School is located within one mile along the Kula Highway.

LAND USE DESIGNATIONS:

State Land Use Commission - Agricultural.

DHHL LAND USES:

Homesteading:	Residential = 308; Agricultural = 68. (Subdivisions not yet designed nor constructed. Lots were selected in 1986 based on preliminary plans; signing of leases in August 1989)
General lease:	GL#133 to J. Sakugawa, 5,057 acres for pasture use; expires 10-31-93.

DHHL BENEFICIARY DEMAND: (Islandwide waiting Lists as of 6/30/89)

Residential = 1,852; Agricultural = 1,787; Pastoral = 76.

DHHL CONCERNS:

- Extension of county water system and construction of subdivision improvements.

- Preservation of significant natural resources and archaeological sites.

- Completion of an updated masterplan; beneficiary/community participation in planning.

DHHL PLANNING REFERENCES:

KULA DEVELOPMENT PLAN, December 1983, for DHHL by Woolsey, Miyabara & Associates, Inc.

-NHDO, A Notebook of Commonly Known Archaeological and Historical Sites Located on Lands Administered by the Department of Hawaiian Home Lands, Special Publication 1, July, 1984 (rev. 11/84)

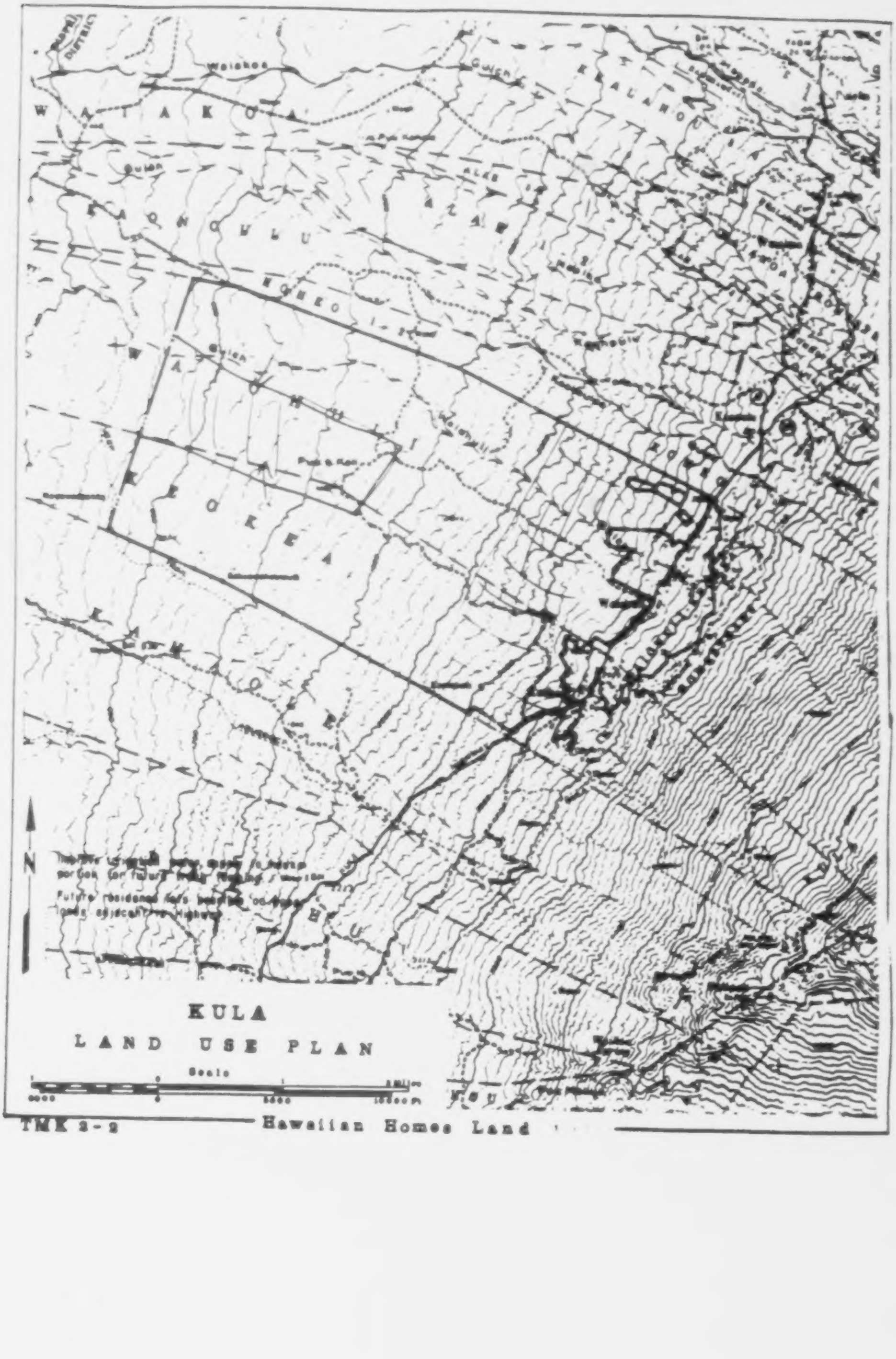
-NHDO, A Notebook of Unique Ecosystems and Habitats for Threatened and Endangered Species on Lands Administered by the Department of Hawaiian Home Lands. Special Publication 2, July, 1985.

-DHHL General Plan, April, 1976.

-Land Use Study of Hawaiian Home Lands for the State of Hawaii, Analytical Planning Consultants, Inc. Honolulu, Hawaii, April 30, 1971.

-Cleg, Donald and Richard A. Bird, Program Study and Evaluation of the Department of Hawaiian Home Lands, State of Hawaii, submitted to the Office of the Governor, January 20, 1971.

-DHHL, Land Inventory and Land Use Study for the Department of Hawaiian Home Lands, Arthur Akinaka, Ltd., December 18, 1972.



KULA

LAND USE PLAN

N
Waiakoa
Kealahou
Kaonoulu
Waiohuli
Keokea
Kamaole
Scale
0
5000
10000 ft
Future residence lots located on these lands adjacent to Highway

TMK 2-2 Hawaiian Homes Land

PAUKUKALO

NAME:	Paukukalo
Literal Translation:	"taro piece"
SIZE/LOCATION/ACCESS:	61 acres on the island of Maui, situated 2 miles northeast of Wailuku Town, on Mauka-side toward the mountains of Waiehu Beach Road.

Tax Map Key Reference: Second Taxation District

3-3, 3-3-01, 05 and 06.

ELEVATION:	10' - 100'
SOILS/SLOPES:	Jaucus and Puuone Sands, level to slopes of 35%+ along sandhills adjoining heiau.
TEMPERATURES:	78 degrees Fahrenheit (average annual).
RAINFALL:	30" (average annual).
VEGETATION:	Haole koa, kiawe, scrub bushes, grasses. (in undeveloped areas)
ENDANGERED SPECIES:	None
ARCHAEOLOGICAL SITES:	Immediately adjoining to the East are Piihana Heiau and Halekii Heiau, restored and managed by the DLNR's State Parks Division..
INFRASTRUCTURE:	
Roads:	Subdivision roads improved to county standards.
Water:	Available from the county domestic system.
Electricity:	Available.
Telephone:	Available.
Sewage:	County sewer system.
Drainage:	Subdivision drainage systems constructed to county standards.
PUBLIC SERVICES:	At Wailuku, 1 mile; at Kahului, 2 miles.

LAND USE DESIGNATIONS:

State Land Use Commission - Urban District.

County Zoning - Residential

DHHL LAND USES:

Homestead Leases:	144 Residential lots cover 80% of the area.
General Leases:	GL#191/GASCO, TMK3-3-05:03 (0.072 acre portion) for 25 years from 9-01-76 @ $620/yr.

Licenses:	#005/Maui County, TMK 3-3-[illegible] (4.743 acres) for park use for 21 years from 11-10-71 @ $1.
	#040/Paukukalo Hawaiian Homes Commission Assoc., TMK 3-3-05:87 (1.63 acres) for community center for 21 years from 11-10-71 @ $1.
	#116/Maui County, TMK 3-3-05:03 (0.274 acre) for sewer easement for 21 years from 11-01-79 @ $1.
	#185/Maui Electric Co., Ltd., TMK 3-3-06:53 for roadway easements in perpetuity @ $1.

DHHL BENEFICIARY DEMAND: (Waiting Lists as of 6/30/89)

	Residential	Agricultural	Pastoral
Paukukalo	178	0	0
Kula	0	11	9
Island-wide	1,674	1,776	67
TOTAL	1,852	1,787	78

DHHL CONCERNS:

- Award 43 completed lots.

- Design for Unit-4 (14 lots).

- Assure availability of loans for home construction.

- Preservation of cultural resources; community development, services, and amenities.

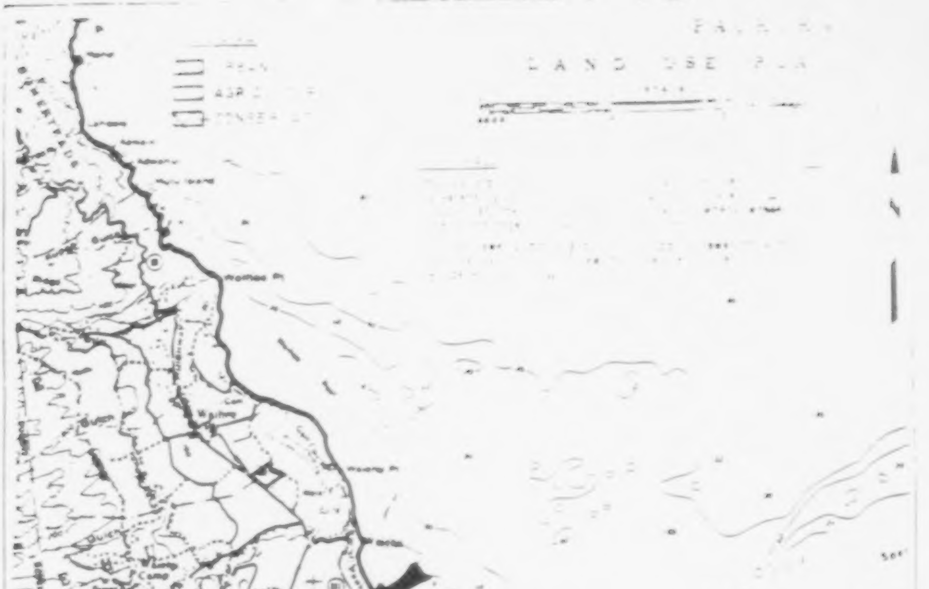
DHHL PLANNING REFERENCES:

-MHDO, A Notebook of Commonly Known Archaeological and Historical Sites Located on Lands Administered by the Department of Hawaiian Home Lands, Special Publication 1, July, 1984 (rev. 11/84)

-MHDO, A Notebook of Unique Ecosystems and Habitats for Threatened and Endangered Species on Lands Administered by the Department of Hawaiian Home Lands, Special Publication 2, July, 1985.

-DHHL General Plan, April, 1976.

-DHHL, Land Inventory and Land Use Study for the Department of Hawaiian Home Lands, Arthur Akinaka, Ltd., December 18, 1972.


LAND USE PLAN
KAHULUI BAY
WAILUKU
KAHULUI
KAHULUI AIRPORT
Puunene

TMK 3-2-13. 3-3 ——— Hawaiian Homes Land.

WAIEHU

NAME:	Waiehu
Literal Translation:	"water spray"
SIZE/LOCATION/ACCESS:	12.45 acres located on the island of Maui, 2 miles north of Wailuku, on Makai side of Kahekili Highway (County, paved, 2-lane)
Tax Map Key References:	Second Taxation District
3-2, 3-2-13	
ELEVATION:	68' - 100' (above MSL)
SOILS/SLOPES:	Wailuku and Iao silty clays, 12"-15" deep, 3%-5% slopes.
TEMPERATURES:	75 degrees F. (average annual)
RAINFALL:	35" (average annual)
VEGETATION:	Remnant sugarcane, haole koa, sapling ironwoods, scrub bushes, grasses, and weeds
ENDANGERED SPECIES:	None Known
ARCHAEOLOGICAL SITES:	None Known
INFRASTRUCTURE:	
Water:	8" county DWS line along Mauka edge of Kahekili Highway.
Electricity:	Service extension necessary from Waihee Village or municipal golf course.
Telephone:	Line runs along Kahekili Highway.
Drainage:	Special drainge improvements will be needed.
Sewage disposal:	Plans call for cesspools.
PUBLIC SERVICES:	Elementary school at Waiehu Village, 0.5 miles; other facilities at Wailuku, 2 miles; and at Kahului, 3 miles.
LAND USE DESIGNATIONS:	Agricultural (State Land Use Commission and County).
DHHL LAND USES:	Now vacant. Area has been preliminarily subdivided into 40 residential lots ranging in size from 10,000 to 17,000 square feet. Finalization of subdivision design and construction plans being coordinated with the County.
DHHL BENEFICIARY DEMAND:	All 40 lots were selected for homestead leasing in 1985.

DHHL CONCERNS:

- Finalize coordination with Maui County to implement construction of the residential subdivision.

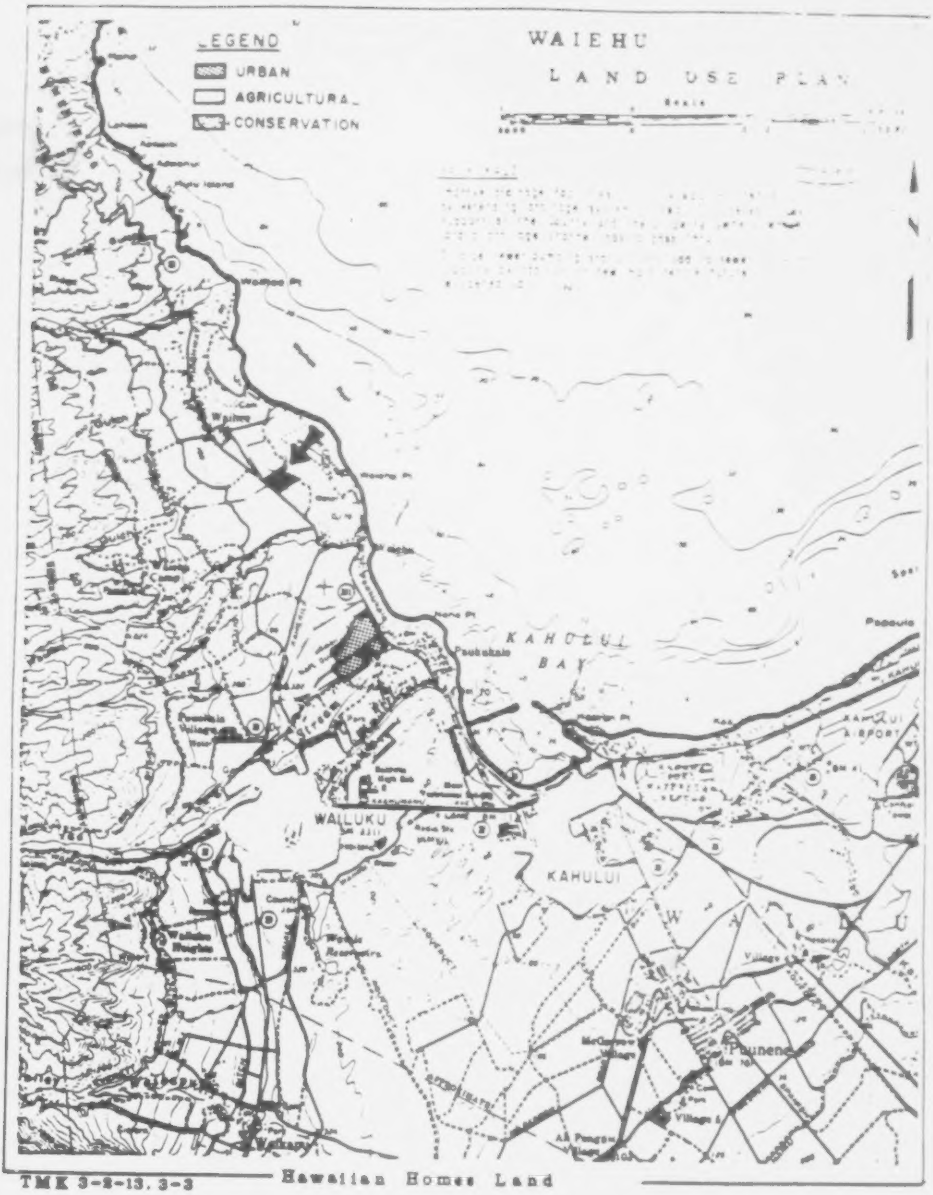
DHHL PLANNING REFERENCES:

-WHDO, A Notebook of Commonly Known Archaeological and Historical Sites Located on Lands Administered by the Department of Hawaiian Home Lands, Special Publication 1, July, 1984 (rev. 11/84)

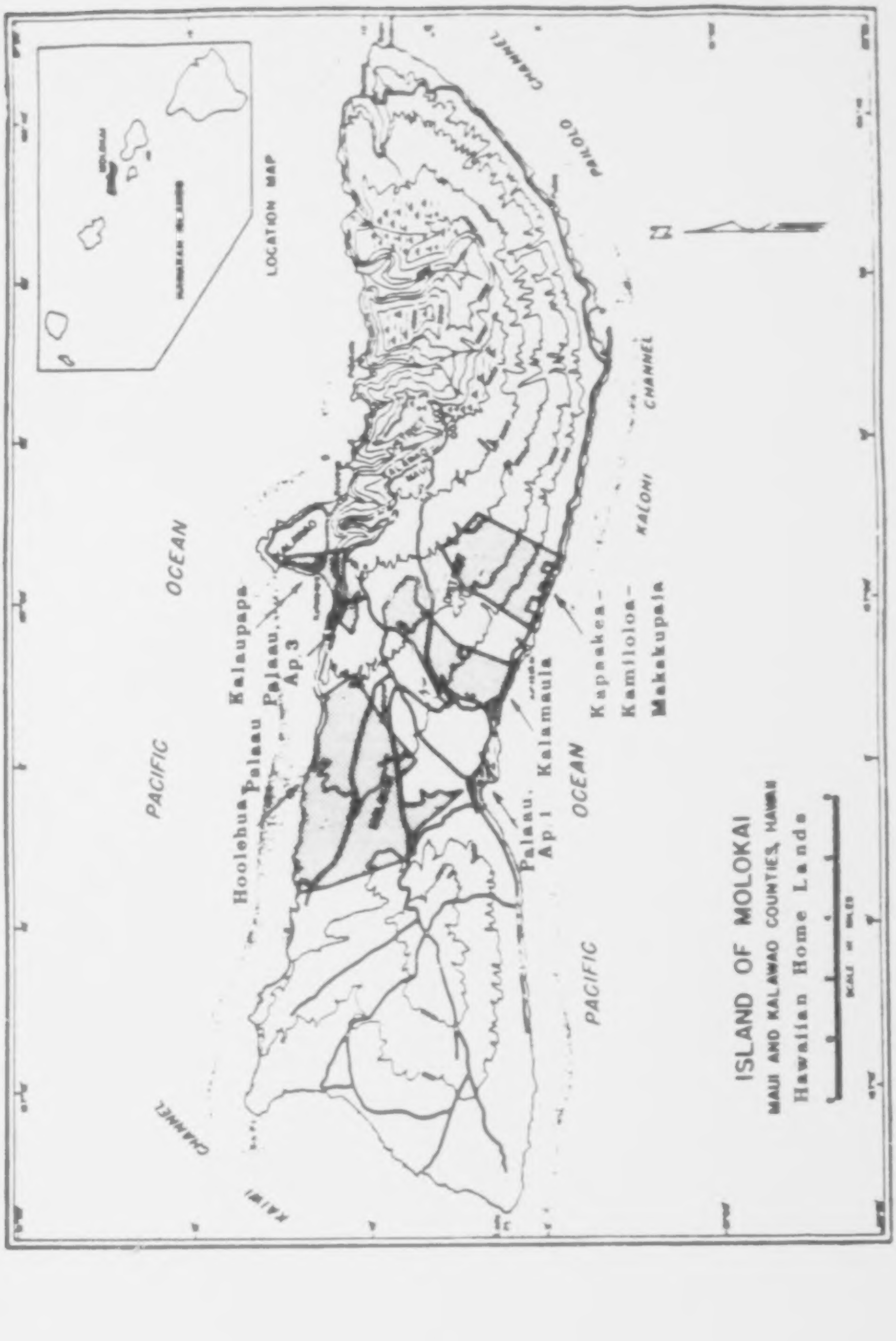
-WHDO, A Notebook of Unique Ecosystems and Habitats for Threatened and Endangered Species on Lands Administered by the Department of Hawaiian Home Lands. Special Publication 2, July, 1985.

-DHHL General Plan, April, 1976.

-DHHL, Land Inventory and Land Use Study for the Department of Hawaiian Home Lands, Arthur Akinaka, Ltd., December 18, 1972.


LEGEND
URBAN
AGRICULTURAL
CONSERVATION
WAIEHU
LAND USE PLAN
Scale
Waihee
KAHULUI BAY
Paukukalo
WAILUKU
KAHULUI
KAHULUI AIRPORT
Papaula
Wailuku Heights
Waikapu
Puunene

TMK 3-2-13, 3-3 Hawaiian Homes Land


ISLAND OF MOLOKAI
MAUI AND KALAWAO COUNTIES, HAWAII
Hawaiian Home Lands
LOCATION MAP
PACIFIC
OCEAN
PACIFIC
OCEAN
KAIWI CHANNEL
PAILOLO CHANNEL
KALOHI CHANNEL
Hoolehua
Palaau
Kalaupapa
Palaau, Ap 3
Palaau, Ap 1
Kalamaula
Kapaakea-
Kamiloloa-
Makakupaia

PALAAU (APANA 1):

NAME:	Palaau (Apana 1)
Literal Translation:	Palaau means "wooden fence"; Apana means "section".
SIZE/LOCATION/ACCESS:	548 acres along the southern coastline of Molokai, directly south of Hoolehua-Palaau and approximately 5 miles west of Kaunakakai. Access off the Maunaloa Highway via a county dirt road.
ELEVATION:	0 - 80 feet elevation.
SOILS/SLOPES:	Silty clay loams above brackish water table, 0% - 3% slopes.
TEMPERATURES:	78 degrees F. (average annual).
RAINFALL:	15" (average annual).
VEGETATION:	Kiawe, koa haole, finger grass, pili grass. Mangroves along the shoreline.
ENDANGERED SPECIES:	Shoreline area is a wetland habitat for water birds, including Kolea, 'Alae Ke'oke'o, and the endangered Ae'o (Himantopus hymantopus knudseni).
ARCHAEOLOGICAL SITES:	Poho'ele (Pala'au) fishpond, reported as the largest on Molokai (between 200 and 500 acres), was in this area.
INFRASTRUCTURE:	
Water:	Domestic water from DHHL system.
Electricity:	Available.
Telephone:	Available.
Sewage:	Septic tank.
Drainage:	surface sheet flow.
PUBLIC SERVICES:	At Kaunakakai, 5 miles away.

LAND USE DESIGNATIONS:

State Land Use Commission - Agricultural.

DHHL LAND USES:

Homesteads:	None.
General Lease:	GL #149, Molokai Ranch, 140 acres for agricultural use until 8/31/94 @ $6,167/yr.
Licenses:	None.

DHHL BENEFICIARY DEMAND: (Homestead Waiting Lists as of 6/30/89)

Residential = 515; Agricultural = 464; Pastoral = 68.

DHHL CONCERNS:

- Provide lands for subdivision and award as agricultural (aquaculture) homesteads.

- Encourage aquaculture development utilizing salt or brackish water on a General Lease basis.

DHHL PLANNING REFERENCES:

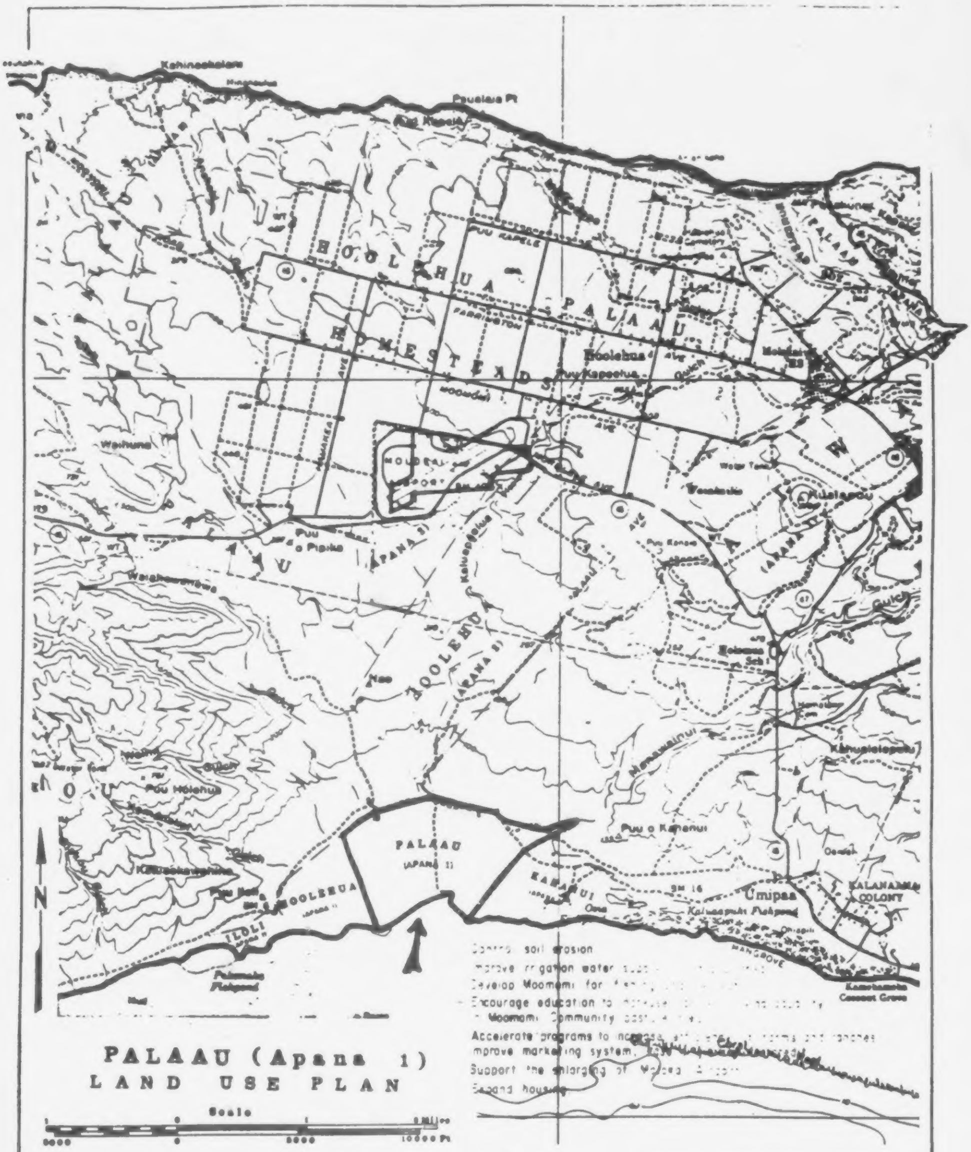
Hoolehua-Palaau Development Plan, 1986, for DHHL by Phillips, Brandt, Reddick and Associates (Hawaii), Inc.

-NHDO, A Notebook of Commonly Known Archaeological and Historical Sites Located on Lands Administered by the Department of Hawaiian Home Lands, Special Publication 1, July, 1984 (rev. 11/84)

-NHDO, A Notebook of Unique Ecosystems and Habitats for Threatened and Endangered Species on Lands Administered by the Department of Hawaiian Home Lands, Special Publication 2, July, 1985.

-DHHL General Plan, April, 1976.

-DHHL, Land Inventory and Land Use Study for the Department of Hawaiian Home Lands, Arthur Akinaka, Ltd., December 18, 1972.


Kahinaohalaiu
Pauelaiu Pt
HOOLEHUA
PALAAU
HOMESTEADS
Puu Kapele
Farrington
Hoolehua
Puu Kapeelua
Moomomi
Waihuna
Kualapuu
Water Tank
Puu o Pipiko
Apana 3
Apana 2
Puu Koaoe
Palaau
Kalamaula
Puu Holehua
Apana 1
Puu o Kahanui
Kahanui
Iloli
Palaaua Fishpond
Umipaa
Kaluaapuhi Fishpond
Kalanianaole Colony
Mangrove
Kamehameha Coconut Grove
N

Control soil erosion
Improve irrigation water supply [illegible]
Develop Moomomi for fishing [illegible]
Encourage education to increase [illegible]
in Moomomi Community pasture [illegible]
Accelerate programs to increase [illegible] farms and ranches
Improve marketing system [illegible]
Support the enlarging of Molokai Airport
Expand housing

PALAAU (Apana 1)
LAND USE PLAN

Scale
1 0 1 2 Miles
5000 0 5000 10000 Ft

TMK 5-2

Hawaiian Homes Land

HOOLEHUA-PALAAU:

NAME: Hoolehua-Palaau

Literal Translation: Hoolehua means "acting the expert". Palaau means "wooden fence".

SIZE/LOCATION/ACCESS: 13,076 acres on the central plain of Molokai.

Tax Map Key References:

5, 5-2, 5-2-01 to 5-2-05, 5-2-07 to 5-2-11, 5-2-13, 15, 17, and 5-2-21 to 5-2-27.

ELEVATION: 100' - 1,000' above MSL.

SOILS/SLOPES: Majority Molokai silty clay loams, 3 to 7 percent slopes.

TEMPERATURES: 75 degrees Fahrenheit average temperature.

RAINFALL: 20 inches average annual

VEGETATION: Uncultivated areas have koa haole, scrub bushes, and grasses.

ENDANGERED SPECIES: Northern shoreline at Moomomi has native strands of beach Naupaka.

ARCHAEOLOGICAL SITES: Heiau and settlement complexes reported along northern coast at Kahinaakalani.

INFRASTRUCTURE:

Water: Domestic from DHHL water system; irrigation from DLNR Molokai irrigation water system.

Electricity: Available.

Telephone: Available.

Sewage: Cesspool and septic tank.

PUBLIC SERVICES: Post office, schools, and playgrounds within Hoolehua. Other public facilities in Kaunakakai.

LAND USE DESIGNATIONS:

State Land Use Commission - Agricultural.
ALISH/LESA - IMPORTANT AGRICULTURAL LAND.

DHHL LAND USES: (as of 6/30/89).

Homesteading: residential= 121; agricultural= 333; pastoral= 20.

Other: General Leases= 6; licenses= 6; revocable permits= 3.

DHHL BENEFICIARY DEMAND: (Waiting Lists as of 6/30/89)

Homestead Applications: Residential= 515; Agricultural= 464; Pastoral= 68.

DHHL CONCERNS:

- Growth rate, economic development and employment opportunities.
- Water supplies and management.
- Infrastructure improvements to support homesteading.
- Economic development.

DHHL PLANNING REFERENCES:

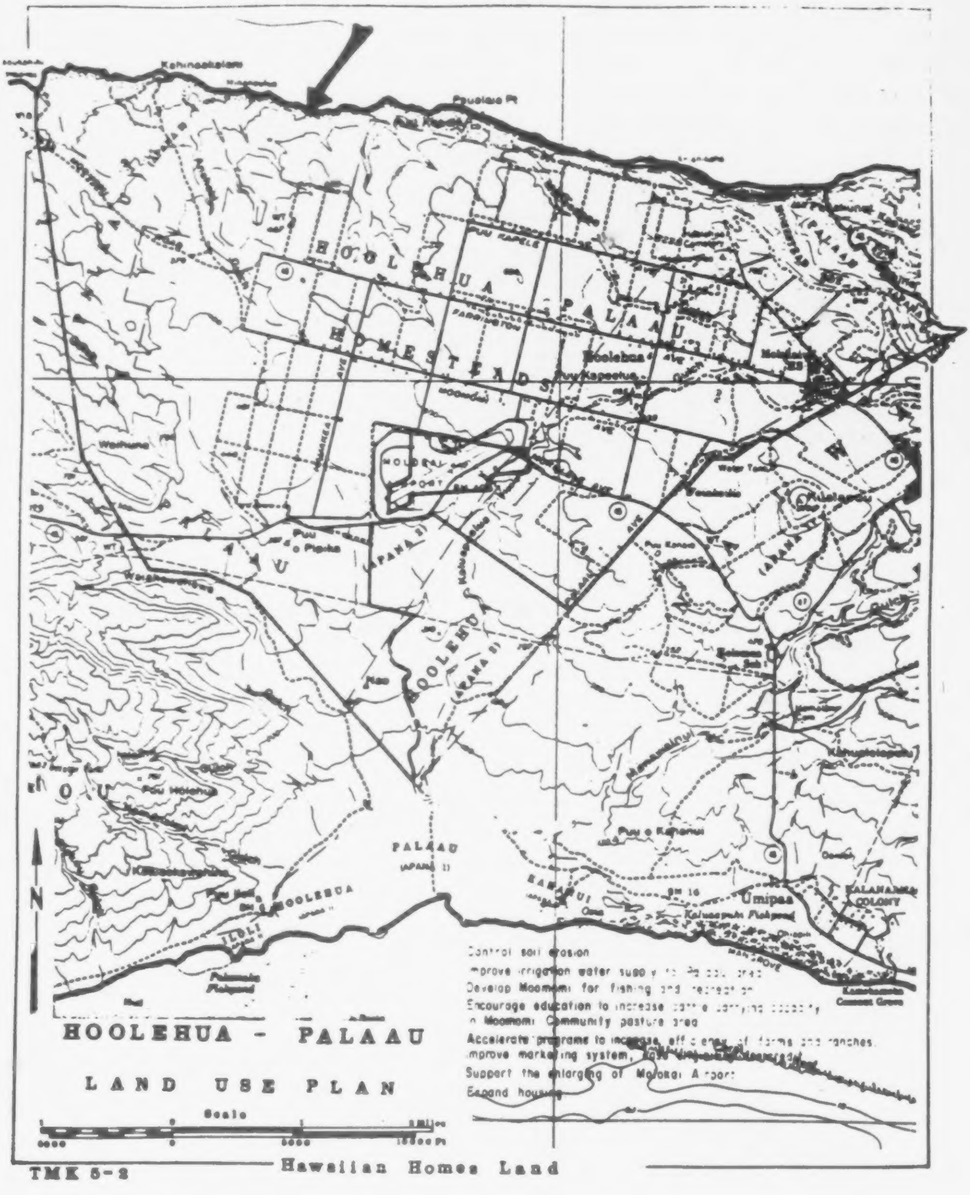
Hoolehua-Palaau Development Plan, 1986, for DHHL by PBR (Hawaii), Inc:

-NHDO, *A Notebook of Commonly Known Archaeological and Historical Sites Located on Lands Administered by the Department of Hawaiian Home Lands*, Special Publication 1, July, 1984 (rev. 11/84)

-NHDO, *A Notebook of Unique Ecosystems and Habitats for Threatened and Endangered Species on Lands Administered by the Department of Hawaiian Home Lands.* Special Publication 2, July, 1985.

-*DHHL General Plan*, April, 1976.

-DHHL, *Land Inventory and Land Use Study for the Department of Hawaiian Home Lands*, Arthur Akinaka, Ltd., December 18, 1972.


Kahinaakalani
Paoalao Pt
HOOLEHUA
PALAAU
HOMESTEADS
Hoolehua
Puu Kapeelua
PALAAU
HOOLEHUA
Puu o Kahanui
Umipaa
KALANIANAOLE COLONY
Kaluaapuhi Fishpond
Kamehameha Coconut Grove
MANGROVE
Puu Holoholo
Scale
N

HOOLEHUA - PALAAU

LAND USE PLAN

Control soil erosion

Improve irrigation water supply to Palaau area

Develop Moomomi for fishing and recreation

Encourage education to increase cattle carrying capacity in Moomomi Community pasture area

Accelerate programs to increase efficiency of farms and ranches. Improve marketing system, [illegible]

Support the enlarging of Molokai Airport

Expand housing

TMK 5-2 Hawaiian Homes Land

PALAAU (APANA 3):

NAME:	Palaau (Apana 3)
Literal Translation:	"wooden fence enclosure, section 3"
SIZE/LOCATION/ACCESS:	Approximately 234 acres situated in the middle of the island of Molokai adjoining a steep pali which overlooks the Kalaupapa peninsula. It is at the northern end of State Highway 47. (Kalaupapa Lookout Road)
ELEVATION:	1,400' - 1,600' (above MSL)
SOILS/SLOPES:	Halawa series silty clays, 3% - 25% slopes.
TEMPERATURES:	Summer: 70 - 80 degrees F. Winter: 60 - 75 degrees F.
RAINFALL:	Average 60" - 70" per year.
VEGETATION:	Ironwood Pines, Eucalyptus, Formosan Koa, Monterey Cypress, Paperbark.
ENDANGERED SPECIES:	None reported.
ARCHAEOLOGICAL SITES:	Phallic Rock known as Nanahoa complex.
INFRASTRUCTURE:	
Water:	Domestic supply from County Kalae Water System.
Electricity:	Available only to park caretaker's residence.
Telephone:	Available to park caretaker's residence.
Sewage disposal:	Cesspool or septic tank.
PUBLIC SERVICES:	At Kaunakakai, approximately 40 miles drive.
LAND USE DESIGNATIONS:	
State LUC:	Conservation

DHHL LAND USES:

Area is being managed as a state park (with pavilions, restroom facilities, camping areas, hiking trails and interpretive signs at the lookout) by the Department of Land and Natural Resources, State of Hawaii.

DHHL BENEFICIARY DEMAND: (Homestead waiting Lists as of 6/30/89)

Residential = 515; Agricultural = 464; Pastoral = 68.

DHHL CONCERNS:

- Land and resource management.
- Economic development and employment opportunities.
- Educational/Cultural and recreational opportunities.

DHHL PLANNING REFERENCES:

PALAAU (APANA 3) LAND ASSESSMENT, November 1986, for DHHL b
Phillips, Brandt, Reddick and Associates (Hawaii), Inc.

-NHDO, A Notebook of Commonly Known Archaeological and Historical Sites Located on Lands Administered by the Department of Hawaiian Home Lands, Special Publication 1, July, 1984 (rev. 11/84)

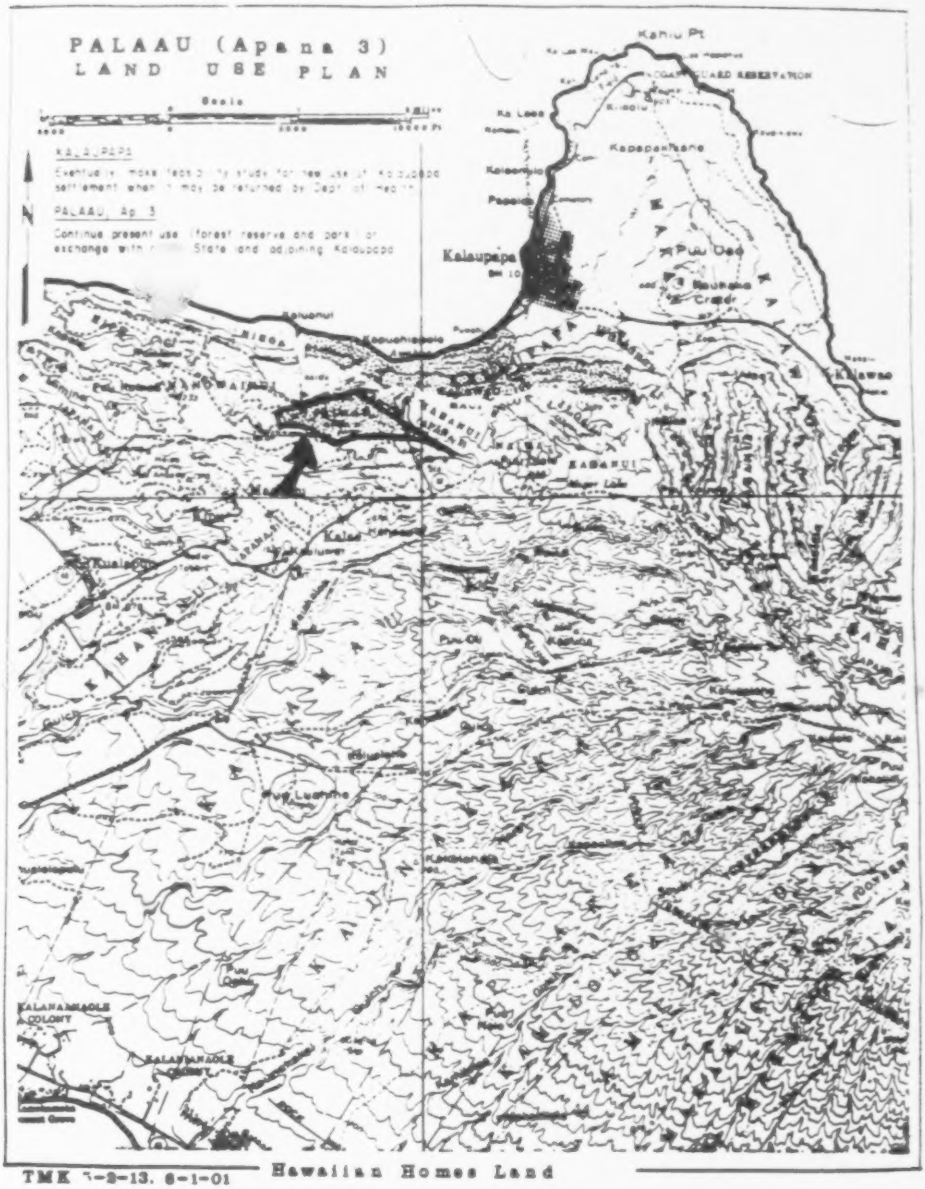
-NHDO, A Notebook of Unique Ecosystems and Habitats for Threatened and Endangered Species on Lands Administered by the Department of Hawaiian Home Lands, Special Publication 2, July, 1985.

-DHHL General Plan, April, 1976.

-Land Use Study of Hawaiian Home Lands for the State of Hawaii, Analytical Planning Consultants, Inc. Honolulu, Hawaii, April 30, 1971.

-Cleg, Donald and Richard A. Bird, Program Study and Evaluation of the Department of Hawaiian Home Lands, State of Hawaii, submitted to the Office of the Governor, January 20, 1971.

-DHHL, Land Inventory and Land Use Study for the Department of Hawaiian Home Lands, Arthur Akinaka, Ltd., December 18, 1972.


PALAAU (Apana 3)
LAND USE PLAN
Scale
5000
0
5000
10000 Ft
N
KALAUPAPA
Eventually make feasibility study for new use of Kalaupapa settlement when it may be returned by Dept of Health
PALAAU, Ap 3
Continue present use (forest reserve and park) or exchange with State land adjoining Kalaupapa
Kahiu Pt
COAST GUARD RESERVATION
Kapapaikane
Kalaupapa
Puu Uao
Kauhako Crater
Kalawao
Kaluanui
KALANIANAOLE COLONY
KALANIANAOLE COLONY
Puu Luahine

TMK 5-2-13. 6-1-01 Hawaiian Homes Land

KALAMAULA:

NAME:	Kalamaula
Literal Translation:	"the red torch or red lama tree"
SIZE/LOCATION/ACCESS:	5,116 acres on the island of Molokai adjacent to Kaunakakai at the coast and extending five miles upslope. Main access is from Maunaloa Highway.
ELEVATION:	Sea-level to 1,800'.
SOILS/SLOPES:	Soils vary with changes of elevation:
Shoreline to 50' elevation:	Silty loams or clays, 0%-3% slopes
Elevation 50' to 600':	Rocky land with thin soils, slope of 5% - 10%.
Elevation 600' to 1,200':	Mix of soil types, with considerable areas of clay loams, 3% - 7%; Class A and Class B, good for agriculture. (ALISH - Other; LESA - high rating)
Elevation 1,201 to 1,800':	Stony clay soils, more suitable for pasture and forestry uses.
TEMPERATURES:	Varies with season and elevation between mid-60's and mid-80's; annual average is about 75 degrees F.
RAINFALL:	Varies with elevation: 20" along the coast and 40" furthest inland. (annual average)
VEGETATION:	Bushes, grasses, and occasional kiawe trees. (the area was devasted by a fire in 1987)
ENDANGERED SPECIES:	Plant: Ohia Lehua (Metrosideros collina polymorphia); Bird: Iiwi (Himatione sanguinea sanguinea)
ARCHAEOLOGICAL SITES:	Large Kahua Maika or ancient bowling alley located 2000 feet north of Puu Luahine. Surveys between 1983 and 1988 have found significant prehistoric habitation and agricultural complexes.
INFRASTRUCTURE:	
Water:	Domestic supply from DHHL water system. Molokai Irrigation System transmission line cuts through at elevation 800 feet, but agricultural water service is not now available to this tract.
Electricity:	Available.

Telephone:	Available.
Sewage disposal:	Cesspool or septic tank.
PUBLIC SERVICES:	Available within one mile at Kaunakakai.
LAND USE DESIGNATIONS:	
State LUC:	Rural = 45 acres; Agricultural = 5,625 acres; Conservation = 130 acres.
ALISH/LESA:	Much of the lands between 800' and 1,200' elevations are classified as important for agriculture.
DHHL LAND USES:	
Homesteading:	Residential = 124; Agricultural = 119; Pastoral = 1.(First Homesteading occurred here in 1920's)
Other:	Church Licenses = 7; other licenses = 4; revocable permits =

DHHL BENEFICIARY DEMAND: (Islandwide waiting Lists as of 6/30/89)

Residential = 515; Agricultural = 464; Pastoral = 68.

DHHL CONCERNS:

- Construction of improvements in homestead subdivisions.
- Growth rate, economic development, and employment opportunities.
- Beneficiary participation in planning and community development.
- Management of land and water resources & archaeological/environmental features

DHHL PLANNING REFERENCES:

KALAMAULA DEVELOPMENT PLAN, 1983, prepared for DHHL by PBR (Hawaii), Inc.

PREHISTORIC INVESTIGATIONS AT AN INLAND SITE ON THE LEEWARD SLOPES OF CENTRAL MOLOKAI, December 1985, report prepared for DHHL by J. Stephen Athens, Ph.D., archaeological consultant.

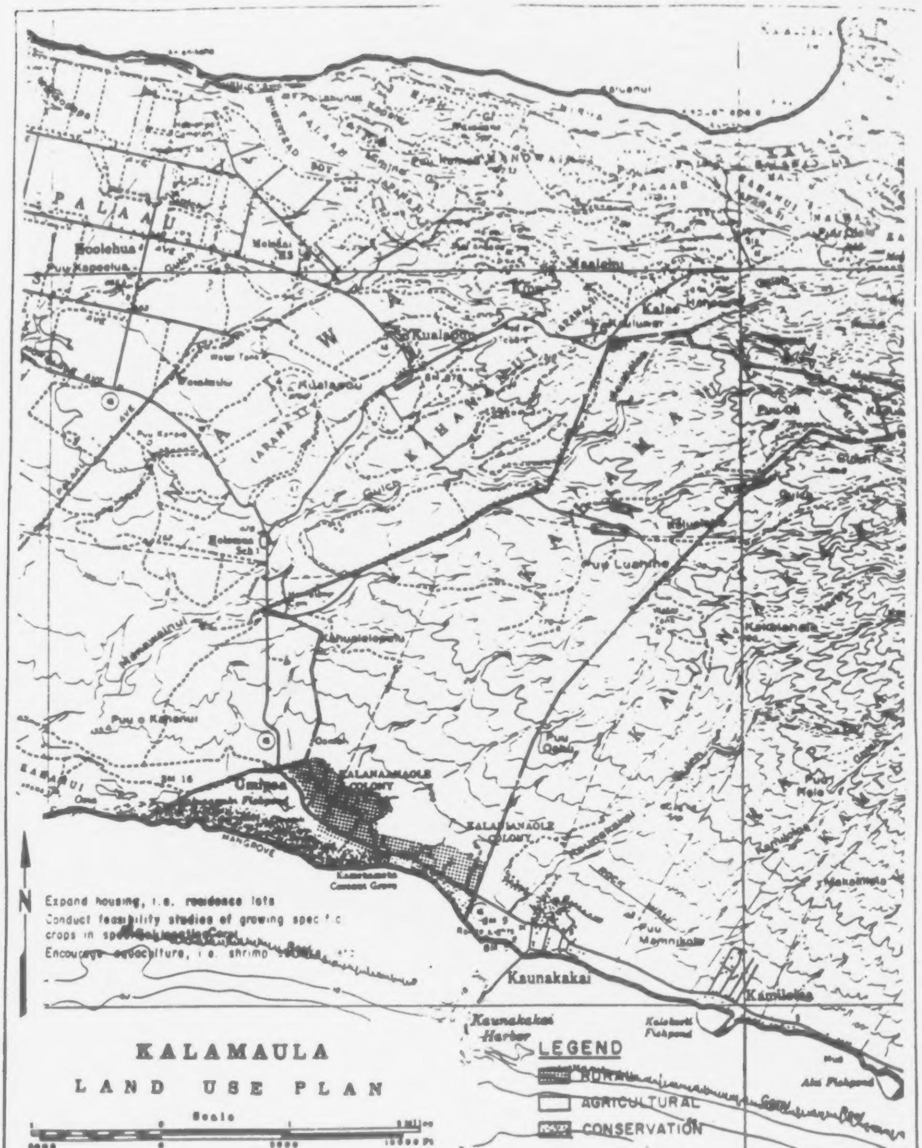
-NHDO, A Notebook of Commonly Known Archaeological and Historical Sites Located on Lands Administered by the Department of Hawaiian Home Lands, Special Publication 1, July, 1984 (rev. 11/84)

-NHDO, A Notebook of Unique Ecosystems and Habitats for Threatened and Endangered Species on Lands Administered by the Department of Hawaiian Home Lands. Special Publication 2, July, 1985.

-DHHL General Plan, April, 1976.

-Land Use Study of Hawaiian Home Lands for the State of Hawaii, Analytical Planning Consultants, Inc. Honolulu, Hawaii, April 30, 1971.

-DHHL, Land Inventory and Land Use Study for the Department of Hawaiian Home Lands, Arthur Akinaka, Ltd., December 18, 1972.


PALAAU
Hoolehua
Puu Kapeelua
Kualapuu
Kalae
Puu Luahine
KALANIANAOLE COLONY
Umipaa
MANGROVE
Kamehameha Coconut Grove
Kaunakakai
Kaunakakai Harbor
Kaloko Fishpond
Kamiloloa
Alii Fishpond
N
Scale

Expand housing, i.e. residence lots
Conduct feasibility studies of growing specific crops in spe[illegible]
Encourage aquaculture, i.e. shrimp [illegible] etc

KALAMAULA

LAND USE PLAN

LEGEND

▨ RURAL
☐ AGRICULTURAL
▨ CONSERVATION

TMK 5-2-10

Hawaiian Homes Land

KAPAAKEA-KAMILOLOA-MAKAKUPAIA:

NAME:	Kapaakea-Kamiloloa-Makakupaia
Literal Translations:	
Kapaakea:	"the coral or limestone surface"
Kamiloloa:	"the tall Milo Tree"
Makapupaia:	"the eye that protects you"
SIZE/LOCATION/ACCESS:	The lands in these three divisions lie immediately to the east of Kaunakakai and amount to a combined total of 5,183 acres: access is from the Kamehameha V Highway which runs along the coast.
ELEVATIONS:	Sealevel to 2,000 feet.
SOILS/SLOPES:	
Shoreline to 50' elevation:	Marsh clay, silt loams and Jaucus sands; 0-10% slopes
Above 50' to 2,000'elevation:	Very strong eroded land; 11%-20% slopes. Some areas are rocky and steep with slopes over 35%.
TEMPERATURES:	Average annual maximum = 82 degrees F. Average annual minimum = 65 degrees F.
RAINFALL:	20" annual average, most between October - March.
VEGETATION:	Kiawe, Koa haole, lowland shrubs and grasses.
ENDANGERED SPECIES:	None currently on federal endangered list, but 8 candidate plant species were identified in a 1983 survey.
ARCHAEOLOGICAL SITES:	Numerous prehistoric habitation and agricultural complexes identified between 50' - 400' elevations, were identified in a 1983 survey.
INFRASTRUCTURE:	
Water:	Domestic supply available to 150' elevation. (County system).
Electricity:	Available.
Telephone:	Available.
Sewage:	Cesspool or septic tank.
PUBLIC SERVICES:	Available within 1-2 miles at Kaunakakai.
LAND USE DESIGNATIONS:	
State LUC:	Agricultural up to 1,500 feet elevation; Copnservation above.

KAPAAKEA-KAMILOLOA-MAKAKUPAIA.

NAME:	Kapaakea-Kamilcloa-Makakupaia.
Literal Translations:	
Kapaakea:	"the coral or limestone surface"
Kamiloloa:	"the tall Milo Tree"
Makapupaia:	"the eye that protects you"
SIZE/LOCATION/ACCESS:	The lands in these three divisions lie immediately to the east of Kaunakakai and amount to a combined total of 5,183 acres: access is from the Kamehameha V Highway which runs along the coast.
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SOILS/SLOPES:	
Shoreline to 50' elevation:	Marsh clay, silt loams and Jaucus sands; 0-10% slopes
Above 50' to 2,000'elevation:	Very strong eroded land; 11%-20% slopes. Some areas are rocky and steep with slopes over 35%.
TEMPERATURES:	Average annual maximum = 82 degrees F. Average annual minimum = 65 degrees F.
RAINFALL:	20" annual average, most between October - March.
VEGETATION:	Kiawe, Koa haele, lowland shrubs and grasses.
ENDANGERED SPECIES:	None currently on federal endangered list, but 8 candidate plant species were identified in a 1983 survey.
ARCHAEOLOGICAL SITES:	Numerous prehistoric habitation and agricultural complexes identified between 50' - 400' elevations, were identified in a 1983 survey.
INFRASTRUCTURE:	
Water:	Domestic supply available to 150' elevation. (County system).
Electricity:	Available.
Telephone:	Available.
Sewage:	Cesspool or septic tank.
PUBLIC SERVICES:	Available within 1-2 miles at Kaunakakai.
LAND USE DESIGNATIONS:	
State LUC:	Agricultural up to 1,500 feet elevation; Copnservation above.

DHHL LAND USES:

Homesteads: Residential= 74; Agricultural= 0; Pastoral= 3.

Licenses: LIC #240, BLNR Cooperative Management Agreement, 9/12/88 - 9/11/98 @ $1.

DHHL BENEFICIARY DEMAND: (Waiting Lists as of 6/30/89

Residential = 515; Agricultural = 464; Pastoral = 68.

DHHL CONCERNS:

- Drainage and infrastructure improvements to allow homesteading.
- Management of natural and cultural resources.

DHHL PLANNING REFERENCES:

KAPAAKEA-KAMILOLOA-MAKAKUPAIA: MOLOKAI, Inventory and Preliminary Analysis, December 1982, for DHHL by Phillips, Brandt, Reddick, & Associates.

AN ARCHAEOLOGICAL SURVEY OF SELECTED LANDS PROPOSED FOR MILITARY TRAINING NEAR KAUNAKAKAI, ISLAND OF MOLOKAI, HAWAII, June 1983, by R.J. Hommon.

BOTANICAL SURVEY OF SELECTED LANDS PROPOSED FOR MILITARY TRAINING NEAR KAUNAKAKAI, ISLAND OF MOLOKAI, HAWAII, June 1983, by E. Hall and W. Char.

-NHDO, A Notebook of Commonly Known Archaeological and Historical Sites Located on Lands Administered by the Department of Hawaiian Home Lands, Special Publication 1, July, 1984 (rev. 11/84)

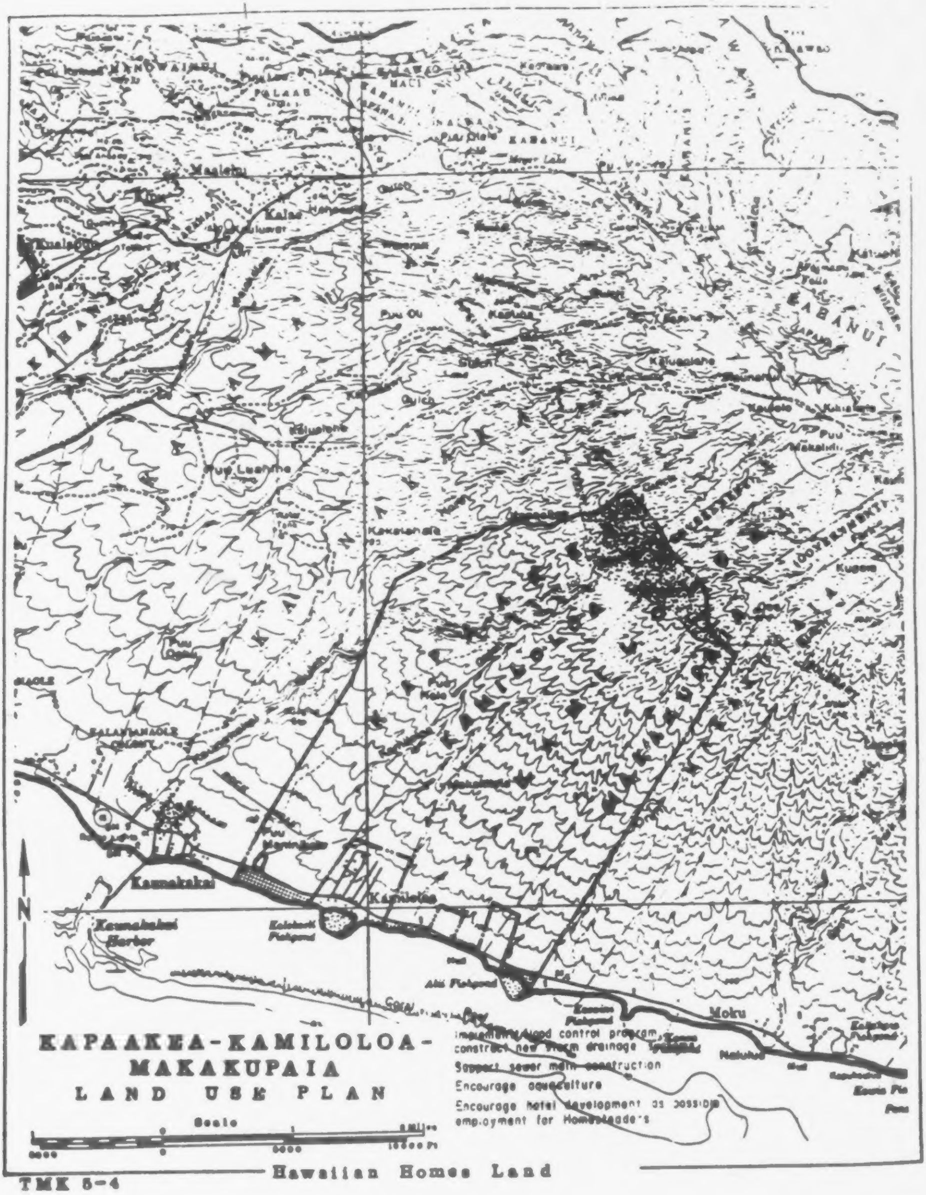
-NHDO, A Notebook of Unique Ecosystems and Habitats for Threatened and Endangered Species on Lands Administered by the Department of Hawaiian Home Lands, Special Publication 2, July, 1985.

-DHHL General Plan, April, 1976.

-Land Use Study of Hawaiian Home Lands for the State of Hawaii, Analytical Planning Consultants, Inc. Honolulu, Hawaii, April 30, 1971.

-Cleg, Donald and Richard A. Bird, Program Study and Evaluation of the Department of Hawaiian Home Lands, State of Hawaii, submitted to the Office of the Governor, January 20, 1971.

-DHHL, Land Inventory and Land Use Study for the Department of Hawaiian Home Lands, Arthur Akinaka, Ltd., December 18, 1972.


Kaunakakai
Kaunakakai Harbor
Kamiloloa
Alii Fishpond
Puu Luahine
Moku
Coral
KAHANUI
N
Scale
0
1
2 Miles
0
5000
10000 Ft

KAPAAKEA-KAMILOLOA-
MAKAKUPAIA
LAND USE PLAN

Implement flood control program, construct new storm drainage
Support sewer main construction
Encourage aquaculture
Encourage hotel development as possible employment for Homesteaders

Hawaiian Homes Land

TMK 5-4

KALAUPAPA:

NAME:	Kalaupapa
Literal Translation:	"the flat plain"
SIZE/LOCATION/ACCESS:	1,247 acres situated on the northeast portion of the Kalawao County peninsula on Molokai. Access is via light aircraft, by boat during summer months, and by foot or mule ride down from the ridge.
ELEVATION:	0-2,000 feet.
SOILS/SLOPES:	Most of Peninsula-Rockland soils group; except for a rich pocket of silty clay loams along the southeastern edge of the Settlement. Slope varies from level at the Settlement to very steep going up to the ridge.
TEMPERATURES:	Avg. minimum in mid-60's; avg. maximum in low 80's.
RAINFALL:	Range= 25-27 inches; 45" average annual.
VEGETATION:	Large % of introduced plants and grasses- many native plants mixed in with introduced varieties i.e. akia and ilima.
ENDANGERED SPECIES:	Molokai Thrush, Molokai creeper, i'iwi.
ARCHAEOLOGICAL SITES:	Five registered heiau are within DHHL area. The Kalaupapa settlement is of historic significance and the entire peninsula is being set aside as a national historical preserve by the National Park Service.
INFRASTRUCTURE:	
Electricity:	Provided by local companies through transmission lines from "Topside".
Telephone:	Provided by local companies through transmission lines from "Topside".
Water:	A system operated by State Department of Health.
Sewage:	Individual cesspools.
PUBLIC SERVICES:	Provided by the State Department of Health at Kalaupapa Settlement.

LAND USE DESIGNATIONS:

State Land Use Commission -Urban, agriculture, & conservation.

ALISH/LESA rates area adjacent to the Settlement as important agricultural lands.

DHHL LAND USES: Area is recognized for its historical significance and is under lease to the U.S. government (National Park Service) as a National Historic Landmark. Long-range plans are to exchange this area for suitable homesteading lands.

DHHL BENEFICIARY DEMAND: (Islandwide Waiting Lists as of 6/30/89 .

Residential= 515; Agricultural= 464; Pastoral= 68.

DHHL CONCERNS:

- Take advantage of income potential due to historical and cultural significance of the area.
- Preserve historic significance of the area.

DHHL PLANNING REFERENCES:

-DHHL General Plan, 1976.

-*A Proposal for the Establishment of the Kalaupapa National Historical Preserve*, National Park Service, U.S. Dept. of the Interior, April 1980.

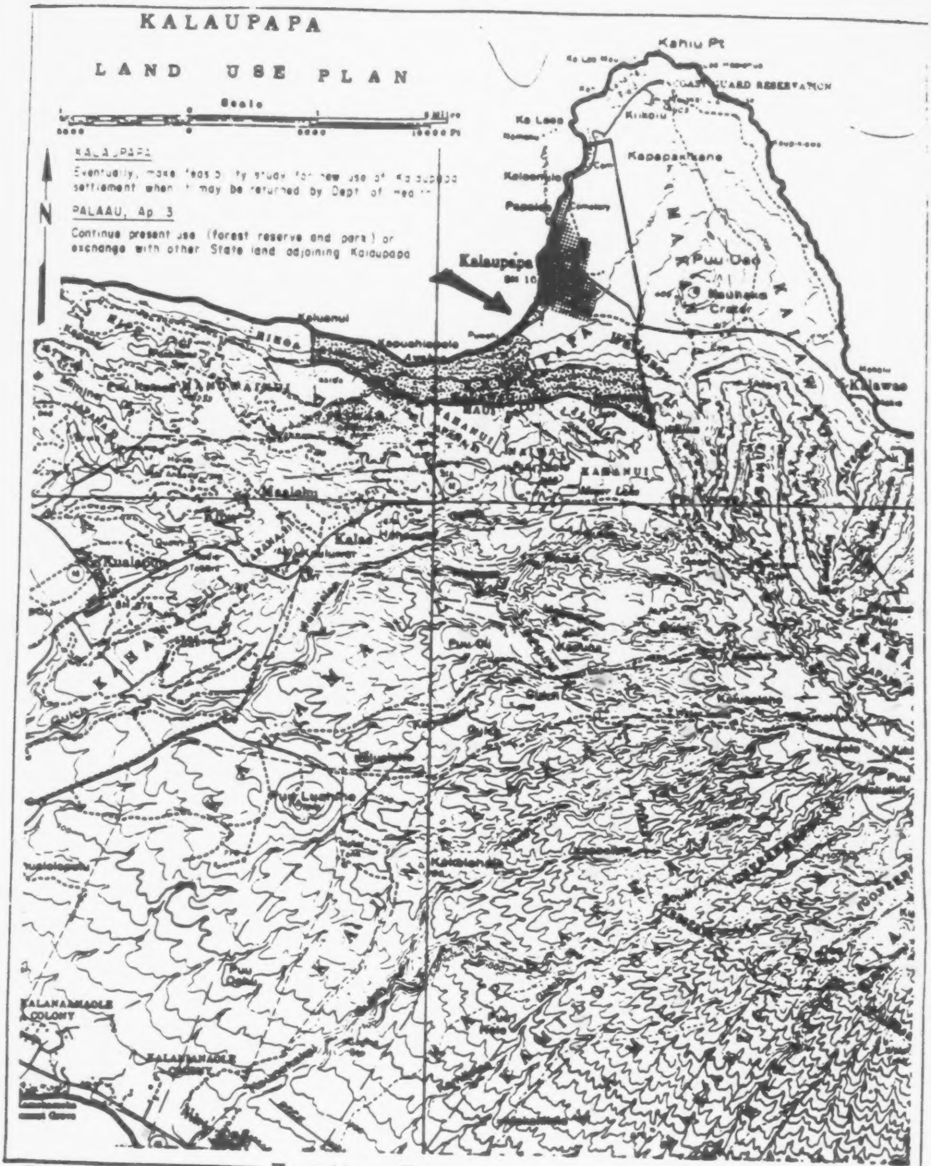
-NHDO, *A Notebook of Commonly Known Archaeological and Historical Sites Located on Lands Administered by the Department of Hawaiian Home Lands*, Special Publication 1, July, 1984 (rev. 11/84)

-NHDO, *A Notebook of Unique Ecosystems and Habitats for Threatened and Endangered Species on Lands Administered by the Department of Hawaiian Home Lands.* Special Publication 2, July, 1985.

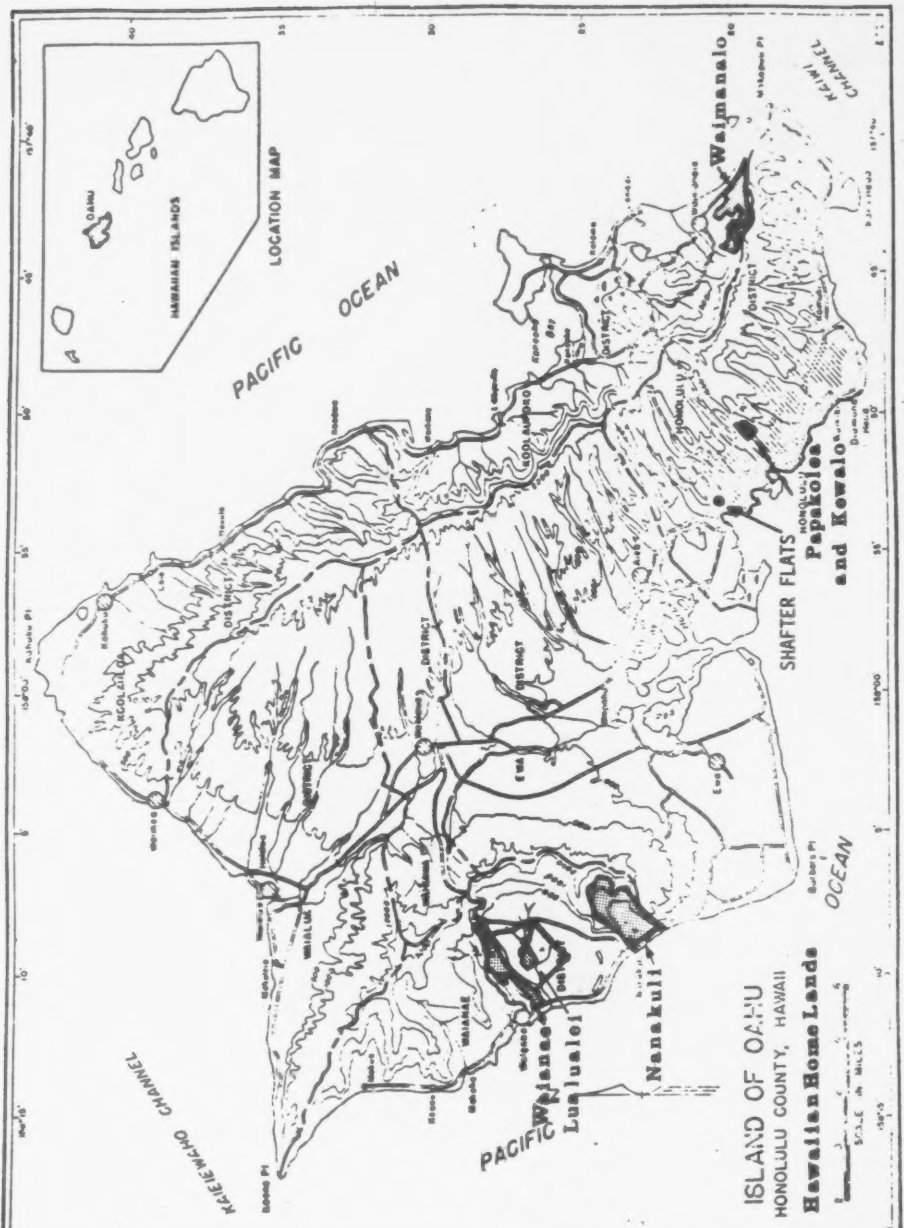
-*Land Use Study of Hawaiian Home Lands for the State of Hawaii*, Analytical Planning Consultants, Inc. Honolulu, Hawaii, April 30, 1971.

-Cleg, Donald and Richard A. Bird, *Program Study and Evaluation of the Department of Hawaiian Home Lands, State of Hawaii*, submitted to the Office of the Governor, January 20, 1971.

-DHHL, *Land Inventory and Land Use Study for the Department of Hawaiian Home Lands*, Arthur Akinaka, Ltd., December 18, 1972.


KALAUPAPA
LAND USE PLAN
Scale
0
1
2 Miles
5000
0
5000
10000 Ft
N
KALAUPAPA
Eventually, make feasibility study for new use of Kalaupapa settlement when it may be returned by Dept of Health
PALAAU, Ap 3
Continue present use (forest reserve and park) or exchange with other State land adjoining Kalaupapa
Kalaupapa
Kahiu Pt
COAST GUARD RESERVATION
Ka Lae
Kapapaohana
Papaloa
Puu Uao
Kauhako Crater
Kalawao
Kaluanui
KALANIANAOLE COLONY

TMK 5-2-13, 6-1-01 Hawaiian Homes Land


ISLAND OF OAHU
HONOLULU COUNTY, HAWAII
Hawaiian Home Lands
SCALE IN MILES
LOCATION MAP
HAWAIIAN ISLANDS
OAHU
PACIFIC OCEAN
PACIFIC OCEAN
KAIEIEWAHO CHANNEL
KAIWI CHANNEL
Waimanalo
Papakolea and Kewalo
HONOLULU
SHAFTER FLATS
Nanakuli
Waianae
Lualualei
KOOLAULOA DISTRICT
KOOLAUPOKO DISTRICT
WAIALUA DISTRICT
WAIANAE DISTRICT
EWA DISTRICT
HONOLULU DISTRICT

NANAKULI

Description:

Nanakuli is a complete ahupuaa, consisting of a [illegible] complex of [illegible] acres, on the Waianae Coast [illegible] the first habitation [illegible] Kaena of Kahe Point. Nanakuli translates as "Look at the knee" [illegible] honor of the tatooed knee of priest Ka'opulupulu.

-Elevation:	Sea level to about 200 feet at the mauka boundary of existing homesteads; upper valley is 600 feet elevation midway, ridge at the back ranges from 2000 to a peak of 3000 feet.
-Soils:	The homestead area is on shallow stony clay, with silt and loam, suitable for truck crops and pasture as well as urban development; undeveloped areas are on a related variety of stony clay and extremely stony clay, suitable for urban development. The drainage channel of Nanakuli is clay loam and stony clay loam; the flood plain is suitable for truck crops.
-Temperature:	Annual average high 85 degrees F; low 65 degrees - 70 degrees F.
-Rainfall:	At sea level, the annual average is under 20 inches; at the mauka boundaries, 30 inches.
-Vegetation:	Native dryland forest (lama and wiliwili) covers undisturbed slopes, with two rare species. Most of the land is koa haole and guinea grass pasture, or urban landscaping. The Forest Reserve is mostly introduced species, with pockets of lama.
-Infrastructure:	Access to Honolulu is via Farrington Highway; urban standard roadways and storm drains serve the homestead; cesspools are being replaced with sewers; electricity and telephone lines serve the area.
-Land Use Designation:	The makai portion of the valley are all residential, excepting the flood plain. The upper valley lands and the flood plain are used as pasture.
-Archaeological Sites:	The upper valley has extensive agricultural complexes, now being studied; they may include a heiau.
-Environmental Significance:	Native habitat and rare species should be protected. Potential for flooding requires sensitive approach in developing upper valley.

DHHL Encumbrances:

-Homestead Residential = 948
-Non-homestead -Pasture - 1600 acres
-Community Use - office building
-Churches - 4

DHHL Beneficiary Demand: [illegible]

-Residence Nanakuli = 315
Islandwide = 2477

DHHL Concerns:
-Expansion potentials in the [illegible]
-Wasterwater treatment

DHHL PLANNING REFERENCES:

-NHDO, A Notebook of Commonly Known Archaeological and Historical Sites Located on Lands Administered by the Department of Hawaiian Home Lands, Special Publication 1, July, 1984 (rev. 11/84)

-NHDO, A Notebook of Unique Ecosystems and Habitats for Threatened and Endangered Species on Lands Administered by the Department of Hawaiian Home Lands, Special Publication 2, July, 1985.

-DHHL General Plan, April, 1976.

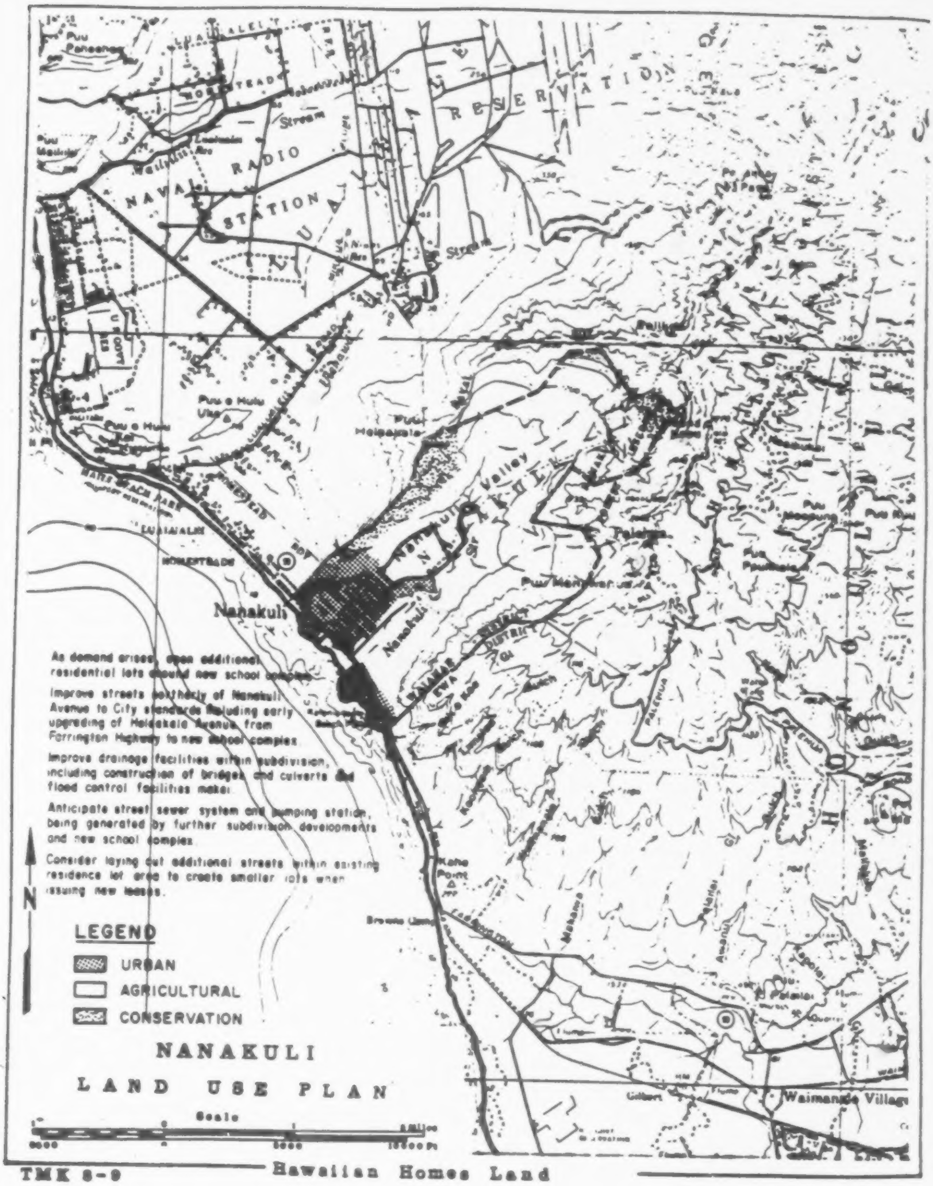
-Land Use Study of Hawaiian Home Lands for the State of Hawaii, Analytical Planning Consultants, Inc. Honolulu, Hawaii, April 30, 1971.

-Cleg, Donald and Richard A. Bird, Program Study and Evaluation of the Department of Hawaiian Home Lands, State of Hawaii, submitted to the Office of the Governor, January 20, 1971.

-DHHL, Biological Database Reconnaisance Survey of Nanakuli, The Nature Conservancy of Hawaii, Honolulu, December 198[illegible].

-DHHL, Nanakuli Development Plan, Wilson, Okamoto, and Associates, Honolulu, December 1984.

-DHHL, Land Inventory and Land Use Study for the Department of Hawaiian Home Lands, Arthur Akinaka, Ltd., December 18, 1972.


NAVAL RADIO STATION
RESERVATION
Puu Heleakala
Nanakuli Valley
Nanakuli
Puu Manawahua
Palehua
Kahe Point
Waimanalo Village
N
As demand arises, open additional residential lots around new school complex.
Improve streets northerly of Nanakuli Avenue to City standards including early upgrading of Haleakala Avenue from Farrington Highway to new school complex.
Improve drainage facilities within subdivision, including construction of bridges and culverts and flood control facilities make:
Anticipate street sewer system and pumping station, being generated by further subdivision developments and new school complex.
Consider laying out additional streets within existing residence lot area to create smaller lots when issuing new leases.
LEGEND
▨ URBAN
☐ AGRICULTURAL
▨ CONSERVATION
NANAKULI
LAND USE PLAN
Scale

TMK 8-9 Hawaiian Homes Land

LUALUALEI

Description:

Four separate areas in Lualualei, on the Waianae side of that wide valley, cover a total of 1,[illegible] acres. Surrounding Puu Mailiili are about 125 acres: Waianae Kai subdivision, and Puu Mailiili itself, with acreage extending from Farrington Highway along the southern flanks to Lualualei Homestead Road. Lualualei Reservoir and Paheehee Ridge parcels total another 303 acres. The U.S. Navy controls 1,343 acres.

-Elevation:	Highway frontage at the foot of Puu Mailiili is about 20 feet; the peak is 723 feet. Waianae Kai subdivision is about 60 feet. The Reservoir is about 25 feet at its floor, with banks to about 40 feet. Paheehee Ridge acreage ranges from 80 feet to an average 350 - 400 feet, with a peak, at Mauna Kuwale of, 855 feet.
-Soils:	At the Highway frontage of Puu Mailiili is stony clay, best as pasture; along Mailiili Channel is clay loam, suitable for truck farming. Immediately above this is very stony clay, and the bulk of Puu Mailiili is rocky outcrop. Waianae Kai subdivision is coral outcrop. The Reservoir area is a combination of clay, stony clay, and stony silty clay loam; all are suitable for truck crops and other agriculture, but have shrink-swell potential, affecting urban development. Paheehee Ridge is very stony clay, with high shrink-swell potential.
-Temperature:	Annual average high 85 degrees F; low 70 degrees F.
-Rainfall:	20 inches annually.
-Vegetation:	Introduced dry grassland and shrubland communities.
-Infrastructure:	Rural roads access these areas. Waianae Kai has urban-standard utilities, the remainder are undeveloped. Major flood control projects have channelized the most flood-prone areas.
-Land Use Designation:	Mailiili Pt. is used for commercial and industrial related activities; Puu Mailiili is largely undeveloped otherwise. Paheehee ridge is awarded for agricultural homesteads but yet undeveloped. The Reservoir is in agricultural use.
-Archaeological Sites:	None known.
-Environmental Significance:	Erosion hazards remain substantial in all areas; flooding is infrequent but can be serious, with severe Kona storms.

DHHL Encumbrances:

-Homesteads Residential = 148
Agricultural = 63
-Non-Homestead Agricultural = 65 acres
Commercial-industrial = 16 acres

DHHL Beneficiary Demand:

-Residential Islandwide = 2477
-Agricultural Lualualei = 2
Islandwide = 458

DHHL Concerns:

-Development of these properties will be expensive, given difficult soils and erosion hazard. Vacant area may be accordingly planned for high density residential development; Paheehee Ridge agricultural homesteads, in particular, will be very high cost.

-Lands held by the U.S. Navy need to be compensated for use.

DHHL PLANNING REFERENCES:

-NHDO, A Notebook of Commonly Known Archaeological and Historical Sites Located on Lands Administered by the Department of Hawaiian Home Lands, Special Publication 1, July, 1984 (rev. 11/84)

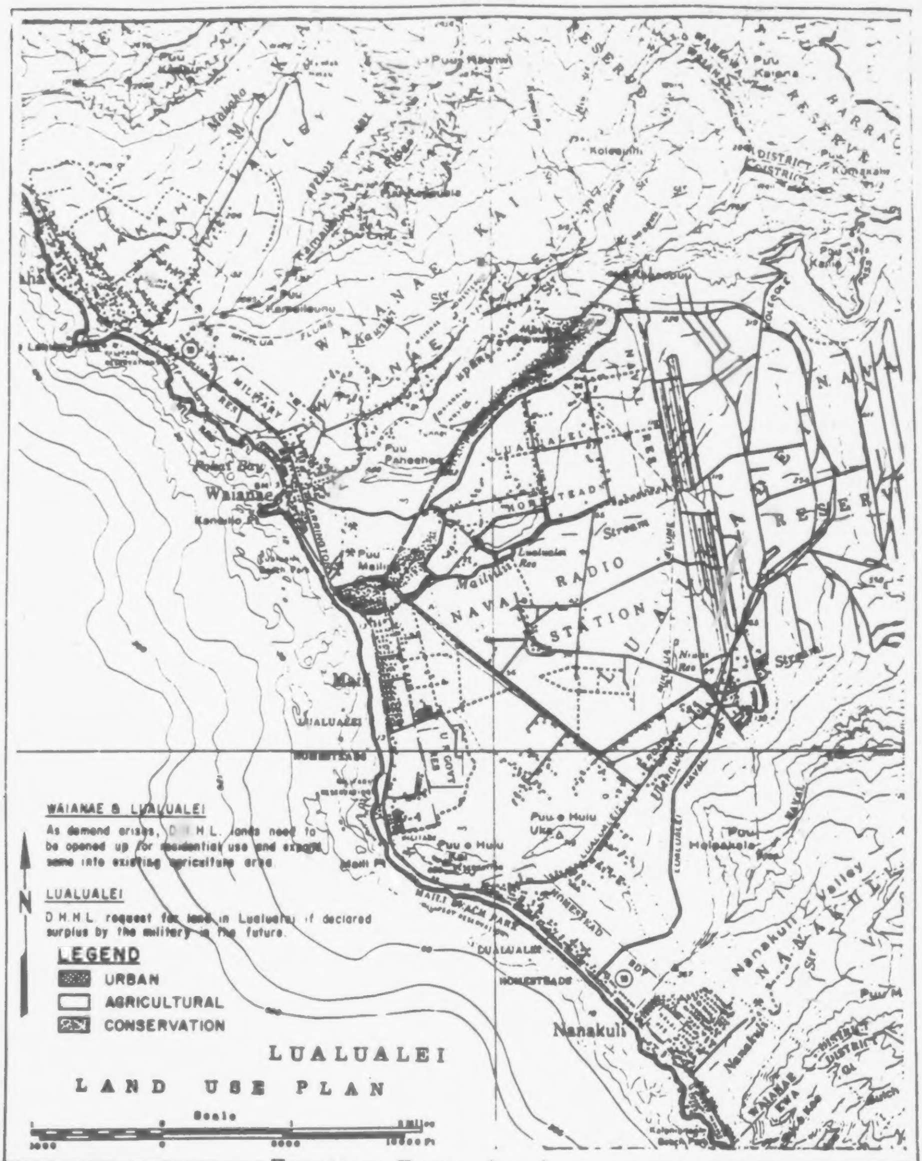
-NHDO, A Notebook of Unique Ecosystems and Habitats for Threatened and Endangered Species on Lands Administered by the Department of Hawaiian Home Lands, Special Publication 2, July, 1985.

-DHHL General Plan, April, 1976.

-Land Use Study of Hawaiian Home Lands for the State of Hawaii, Analytical Planning Consultants, Inc. Honolulu, Hawaii, April 30, 1971.

-Cleg, Donald and Richard A. Bird, Program Study and Evaluation of the Department of Hawaiian Home Lands, State of Hawaii, submitted to the Office of the Governor, January 20, 1971.

-DHHL, Land Inventory and Land Use Study for the Department of Hawaiian Home Lands, Arthur Akinaka, Ltd., December 18, 1972.


WAIANAE & LUALUALEI
As demand arises, D.H.H.L. lands need to be opened up for residential use and expand same into existing agriculture area.
LUALUALEI
D.H.H.L. request for land in Lualualei if declared surplus by the military in the future.
LEGEND
URBAN
AGRICULTURAL
CONSERVATION
N
LUALUALEI
LAND USE PLAN
Scale
Waianae
Pokai Bay
Kaneilio Pt.
Puu Mailili
Maili
Maili Pt.
Puu o Hulu Kai
Puu o Hulu Uka
MAILI BEACH PARK
Nanakuli
Nanakuli Valley
NAVAL RADIO STATION
LUALUALEI HOMESTEAD
Puu Heleakala
Puu Paheehee
Puu Kaeo
Puu Kailio
Puu Hapapa
Puu Kanehoa
Kolekole
Kaua
Puu Kalena
Kolekole
WAIANAE KAI
MAKAHA
DISTRICT
HARRAC
RESERVE
WAIANAE
EWA
Stream
Mailiilii
Lualualei Res.
Ulehawa
Mauna Kuwale

TMK 8-5&6

Hawaiian Homes Land

WAIMANALO

The Hawaiian Home Lands portion of Waimanalo extends from the Waimanalo Quarry to Sea Life Park, including most of Waimanalo Beach Park and the entire shoreline to Makapuu Lighthouse excepting a stretch of private lands near and including the Shriner's property by Kaiona Beach. In addition, the entire forest reserve from ridge to foot of the pali, from Puu Lanipo/Aniani Nui Ridge to Makapuu Pt., is Hawaiian Home Lands.

Description:

The Waimanalo lands comprise about 1965 acres, of which 1413 acres are forest reserve, about 75 acres are beach park, and 85 acres are being quarried. The only homestead area on the windward side of Oahu, it presently has 575 homesteads, covering about 135 acres. The remaining , approximately 277 acres are under other encumbrances or vacant. Much of that is too rugged to be developed; some will remain available for business ventures; the balance is targeted for residential development.

-Elevation:	From sea level to an average 1300 feet at the ridge of the Koolau (Lanipuu reaches nearly 2500 feet); homesteads are at about 20 feet.
-Soils:	Homesteads are on sandy or loamy sand soils, suitable for sugar, pasture, truck crops, and residential development. Upland are stony clay soils that have high shrink-swell characteristics, making development more costly. The quarry, of course, is a coral outcrop, with clayey mud interspersed.
-Temperature:	Annual highs in Waimanalo range from 75 degrees - 85 degrees F; lows range from 65 degrees - 75 degrees F.
-Rainfall:	The annual average is about 30 inches.
-Vegetation:	While introduced species have superceded indigenous throughout most of Waimanalo, pockets of native shrubs communities are identifiable in all areas, moreso in upland areas and especially on the pali. Most of these shrub communities are short (one meter), except mamaki along the foot of the pali, growing 2 - 4 m in height. Beach communities include naupaka and iliahi. A few rare species have been identified in remote areas of beach lands and along the pali.
-Infrastructure:	Part of the suburban windward side, Waimanalo is served by Kalanianaole Highway, county-standard rural roadways, sewers, county water, electricity, and telephone lines; most areas have storm drains.
-Land Use Designation:	A complete spectrum of uses lies in Waimanalo. Kalanianaole Highway has business zones as well as park lands. The uplands are in conservation use.

The homestead has a small [illegible] as well as churches. The quarry [illegible] heavy industrial use soon to exp[illegible]

-Archaeological Sites: Sites not positively identified [illegible] fishing station at Kaupo Beach [illegible] rock, once used as an "altar" removed from its place by the ocean in historic times for a road alignment.

-Environmental Significance: Periodic heavy flooding inundates low-lying parts of Waimanalo around the coral outcrop/quarry; drainage improvements are rural: grass swales, some channelizing, and reserved agricultural use, no storm drains. High shrink-swell potential of upland soils creates a rockfall hazard in area close to the pali, and more expensive foundation requirements for building. Makapuu Beach and pali areas (Forest Reserve) have relatively rare native plant communities, protected chiefly by their remoteness.

DHHL Encumbrances:

-Homesteads Residence = 574
-Agriculture = 1
-General Leases, Revocable Permits
Pasture and Agriculture 120.0 acres
-Commercial 0.2 acres

DHHL Beneficiary Demand: (as of 6/30/89)

Residence-	Waimanalo	= 1400
	Islandwide	= 2477
Agriculture-	Islandwide	= 458

DHHL Concerns:

-Ensuring that finish grading at the quarry heeds drainage requirements; providing more business opportunities; maximizing the number of awards on lands relatively expensive to develop.

-Additional residential homesteading

DHHL PLANNING REFERENCES:

-NHDO, A Notebook of Commonly Known Archaeological and Historical Sites Located on Lands Administered by the Department of Hawaiian Home Lands, Special Publication 1, July, 1984 (rev. 11/84)

-NHDO, A Notebook of Unique Ecosystems and Habitats for Threatened and Endangered Species on Lands Administered by the Department of Hawaiian Home Lands, Special Publication 2, July, 1985.

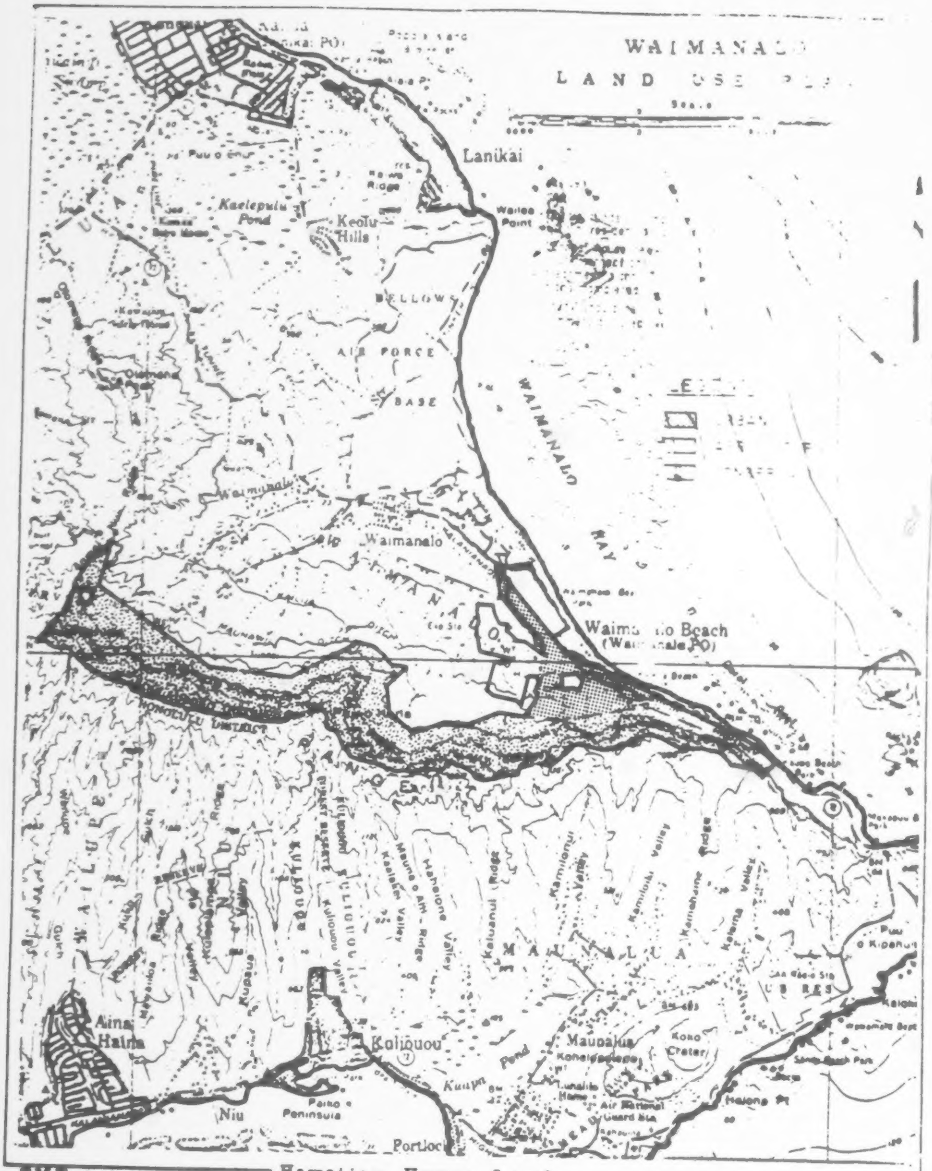
-DHHL General Plan, April, 1976.

-Land Use Study of Hawaiian Home Lands for the State of Hawaii, Analytical Planning Consultants, Inc. Honolulu, Hawaii, April 30, 1971.

-Cleg, Donald and Richard A. Bird, Program Study and Evaluation of the Department of Hawaiian Home Lands, State of Hawaii, submitted to the Office of the Governor, January 20, 1971.

-DHHL, Biological Database & Reconnaisance Survey of Waimanalo, The Nature Conservancy of Hawaii, Honolulu, December, 1987.

-DHHL, Land Inventory and Land Use Study for the Department of Hawaiian Home Lands, Arthur Akinaka, Ltd., December 18, 1972.


WAIMANALO
LAND USE
Lanikai
Kaelepulu Pond
Keolu Hills
Puu o Ehu
Wailea Point
BELLOWS
AIR FORCE
BASE
WAIMANALO
BAY
Waimanalo
Waimanalo Beach
(Waimanalo PO)
HONOLULU DISTRICT
Maunalua
Koko Crater
Kaiwi
Aina Haina
Niu
Paiko Peninsula
Kuliouou
Portlock
Kuapa Pond
Hawaii Kai
Kalama Valley
Kamilonui Valley
Hahaione Valley
Kuliouou Valley
Wailupe
Hanauma Bay
Puu o Kipahulu
Makapuu Pt

TMK 4-1 Hawaiian Homes Land,

PAPAKOLEA

Occupying the lower portion of Tantalus Ridge, behind Punchbowl, Papakolea is in the heart of Honolulu and yet at its fringes.

Description:

Papakolea occupies about 136 acres on a steep ridge, surrounded by drainage gulches emptying to Pauoa or Makiki.

-Elevation:	160 feet to 600 feet.
-Soils:	Stony clay, sticky and plastic, suitable for pasture and urban development.
-Temperatures:	Annual averages fairly constant: high 80 degrees F, low 65 degrees F.
-Rainfall:	About 40 inches, distributed fairly evenly through the year, with peaks in August and December, a valley in September - October.
-Vegetation:	All introduced species; woodland in the upper portions, urban landscaping on the homestead.
-Infrastructure:	County standard roads, sewers, storm drains; county water system; electricity and telephone service.
-Land Use Designation:	Residential and Conservation; a community center and playground in the residential area.
-Archaeological Sites:	No known sites.
-Environmental Significance:	Drainage headwaters into Pauoa and Makiki.

DHHL Encumbrances:

-Homestead Residential = 319

DHHL Beneficiary Demand: (as of 6/30/89)

Residence- Papakolea = 145
Islandwide = 2477

DHHL Concerns:

-Residential home replacement needs
-Kalawahine lands

DHHL PLANNING REFERENCES:

-NHDO, A Notebook of Commonly Known Archaeological and Historical Sites Located on Lands Administered by the Department of Hawaiian Home Lands, Special Publication 1, July, 1984 (rev. 11/84)

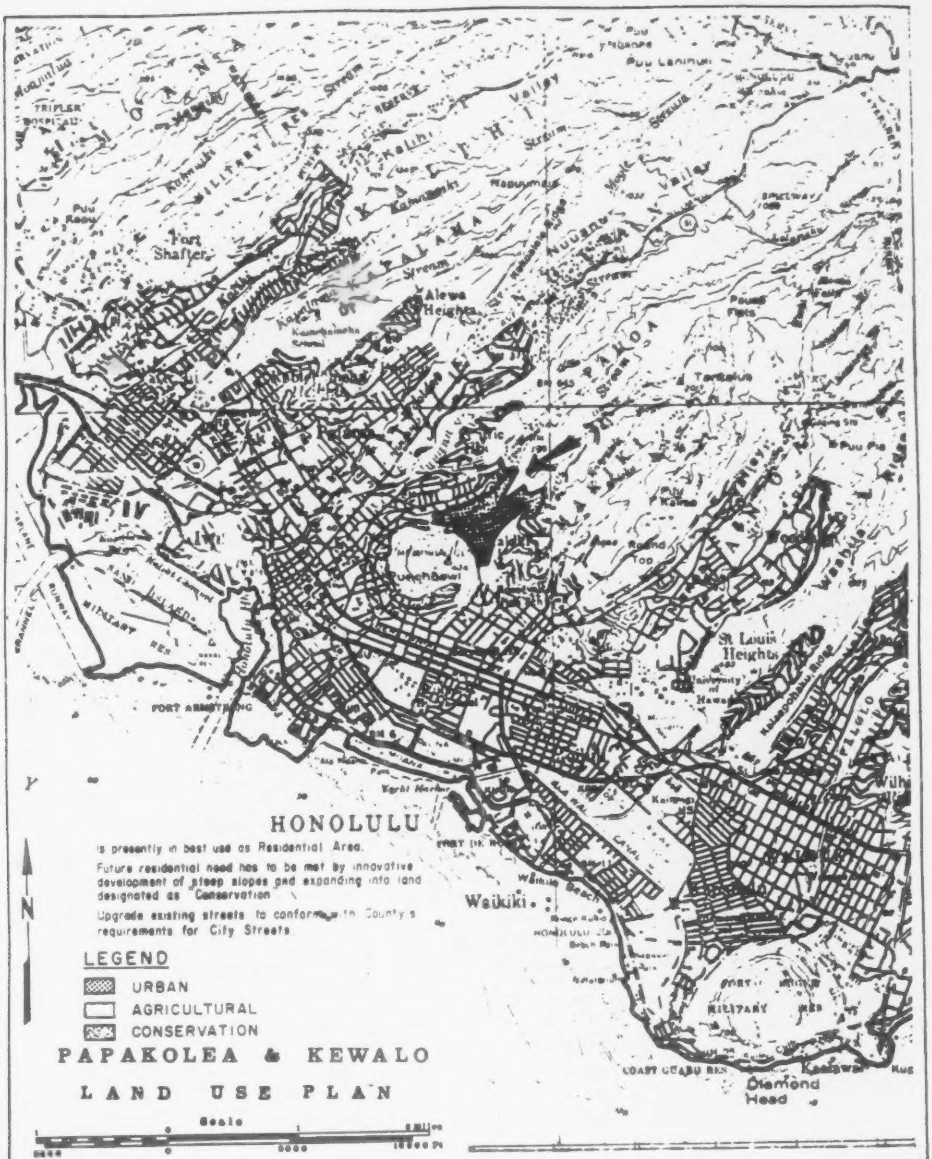
-NHDO, A Notebook of Unique Ecosystems and Habitats for Threatened and Endangered Species on Lands Administered by the Department of Hawaiian Home Lands. Special Publication 2, July, 1985.

-DHHL, Land Inventory and Land Use Study for the Department of Hawaiian Home Lands, Arthur Akinaka, Ltd., December 18, 1972.

-*DHHL General Plan*, April, 1976.

-*Land Use Study of Hawaiian Home Lands for the State of Hawaii*, Analytical Planning Consultants, Inc. Honolulu, Hawaii, April 30, 1971.

-Cleg, Donald and Richard A. Bird, *Program Study and Evaluation of the Department of Hawaiian Home Lands, State of Hawaii*, submitted to the Office of the Governor, January 20, 1971.


Fort Shafter
Puu Lanihuli
Kalihi
Kapalama
Alewa Heights
Nuuanu
Pauoa
Tantalus
Punchbowl
Round Top
St. Louis Heights
University of Hawaii
Palolo
Fort Armstrong
Waikiki
Waikiki Beach
Diamond Head
Fort Ruger Military Res
Coast Oahu Res
N
Scale

HONOLULU

is presently in best use as Residential Area.

Future residential need has to be met by innovative development of steep slopes and expanding into land designated as "Conservation"

Upgrade existing streets to conform with County's requirements for City Streets

LEGEND

▩ URBAN

☐ AGRICULTURAL

▨ CONSERVATION

PAPAKOLEA & KEWALO

LAND USE PLAN

TMK 2-2&4&5

Hawaiian Homes Land

SHAFTER FLATS

Description:

This is fully-improved industrial property near the airport, just mauka of Nimitz Highway in Mapunapuna, along the Moanalua Stream floodway, about 13.8 acres.

-Elevation: Less than 10 feet.

-Soils: Filled land; mixed.

-Temperature: Average annual high - 85 degrees F; low 65 degrees - 70 degrees F.

-Rainfall: About 20 inches.

-Vegetation: Urban landscaping.

-Infrastructure: County-standard urban/industrial roads, sewer, storm drains, water supply, electricity, telephone.

-Land Use Designation: Industrial.

-Archaeological Sites: None.

-Environmental Significance: In the 100-Year Flood Zone, with building elevations of 5 and 6 feet.

DHHL Encumbrances:

-20 General Leases.

DHHL Beneficiary Demand:

-Non-homestead land; business demand undetermined.

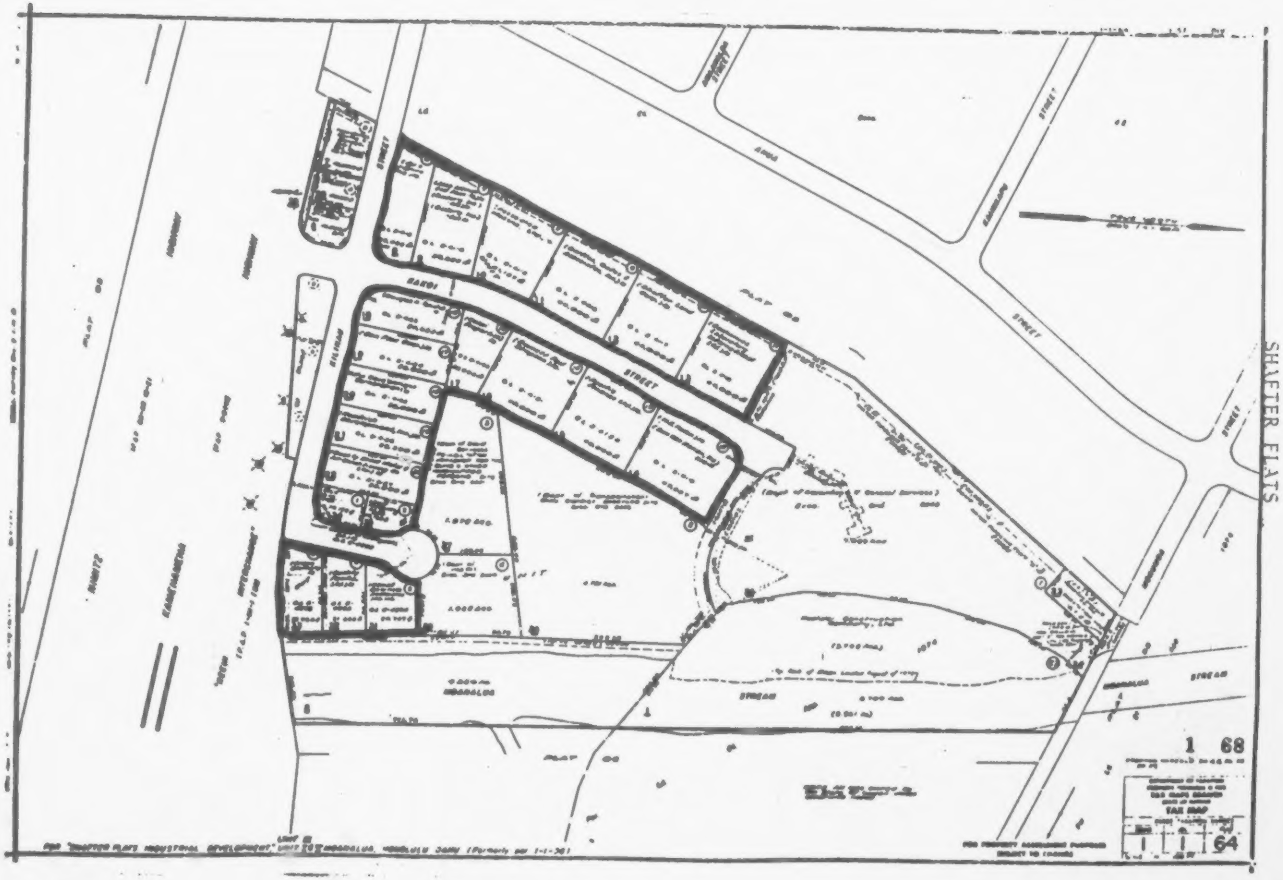
DHHL Concerns:

-Continued income generation from the area

DHHL PLANNING REFERENCES:

-DHHL General Plan, April, 1976.

SHAFTER FLATS


STREET
STREET
STREET
STREAM
STREAM
1 68
TAX MAP
64

WAIANAE

Description:

The Waianae homestead lands occupy about [illegible] acres on the north side of Paheehee Ridges, on either side of Mauna Kuwale extending makai.

-Elevation:	Within Waianae Valley from [illegible] feet to 320 feet; Paheehee Ridge averages from about 350 feet along the same distance.
-Soils:	As on the Lualualei side of Paheehee Ridge, the upper slopes are extremely stony clay, with severe erosion hazard. On the Waianae side, the lower slopes are silty stony clay, better for tillage and not particularly prone to erosion. Both types are normally used as pasture or sugar.
-Temperature:	Annual average high is 85°F; low varies from 65° to 70°F.
-Rainfall:	About 20 inches annually
-Vegetation:	Introduced shurbs and grasses
-Infrastructure:	Farrington Highway serves the entire coast; County standard roads, drains, sewer, water supply, sidewalks, electricity, and telephones serve the area.
-Land Use:	About 64 acres is developed as residential homesteads; a portion of that is the steep vacant land of Paheehee ridge. About 70 acres are leased to Freitas Dairy, and another 34 to Carlos Dairy (now defunct); these are on the mauka lands around Mauna Kuwale.
-Archaeology:	none known
-Environmental Significance:	none

DHHL Encumbrances:

Homesteads - Residential: 375

Non-Homestead - Agriculture: 70 acres

DHHL Beneficiary Demand:

Residence - Waianae: 301

Islandwide: 2477

DHHL Concerns:

-Waste-water treatment needs

DHHL PLANNING REFERENCES:

-NHDO, A Notebook of Commonly Known Archaeological and Historical Sites Located on Lands Administered by the Department of Hawaiian Home Lands, Special Publication 1, July, 1984 (rev. 11/84)

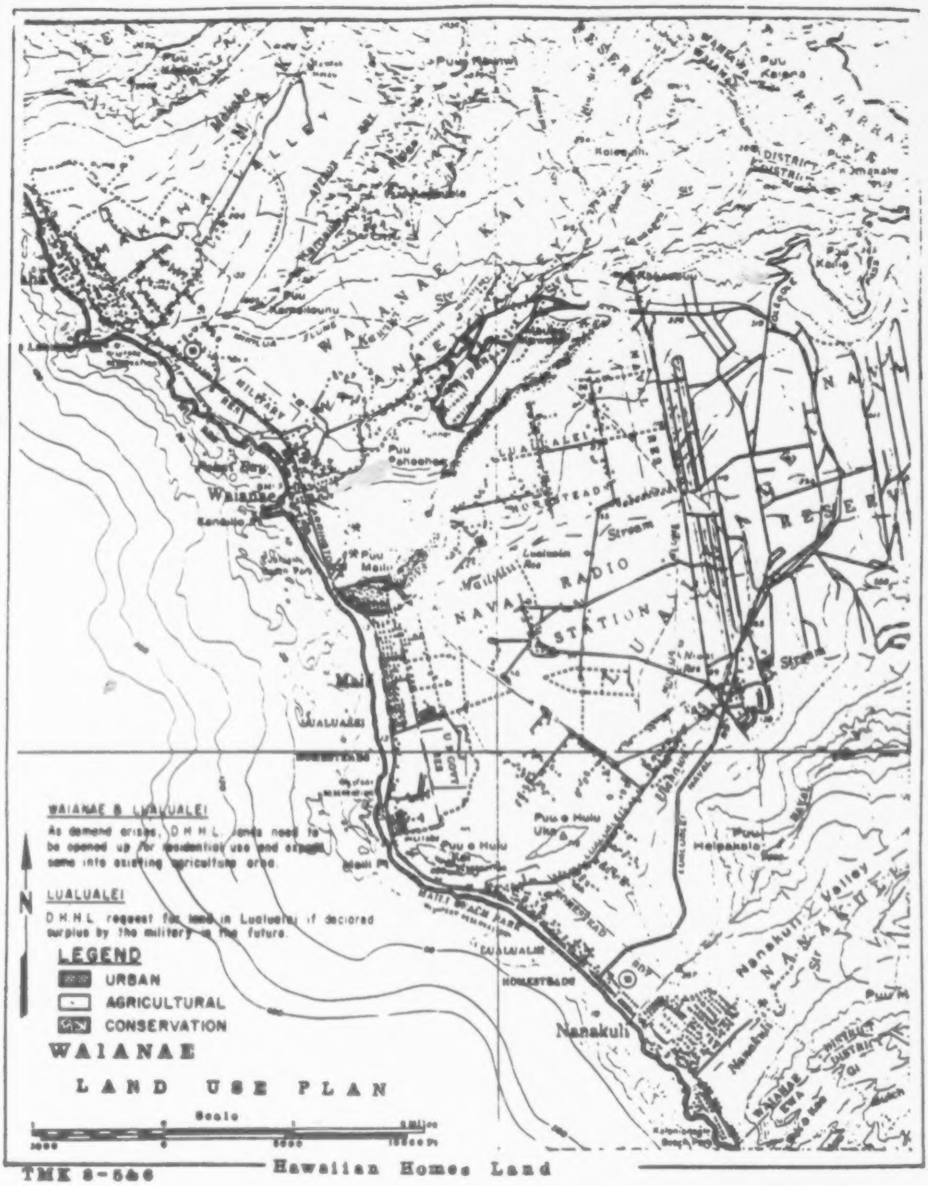
-NHDO, A Notebook of Unique Ecosystems and Habitats for Threatened and Endangered Species on Lands Administered by the Department of Hawaiian Home Lands. Special Publication 2, July, 1985.

-DHHL General Plan, April, 1976.

-*Land Use Study of Hawaiian Home Lands for the State of Hawaii*, Analytical Planning Consultants, Inc. Honolulu, Hawaii, April 30, 1971.

-Cleg, Donald and Richard A. Bird, *Program Study and Evaluation of the Department of Hawaiian Home Lands, State of Hawaii*, submitted to the Office of the Governor, January 2[illegible], 1971.

-DHHL, *Land Inventory and Land Use Study for the Department of Hawaiian Home Lands*, Arthur Akinaka, Ltd., December 18, 1972.



WAIANAE & LUALUALEI

As demand arises, D.H.H.L. lands need to be opened up for residential use and expand same into existing agriculture area.

LUALUALEI

D.H.H.L. request for land in Lualualei if declared surplus by the military in the future.

LEGEND

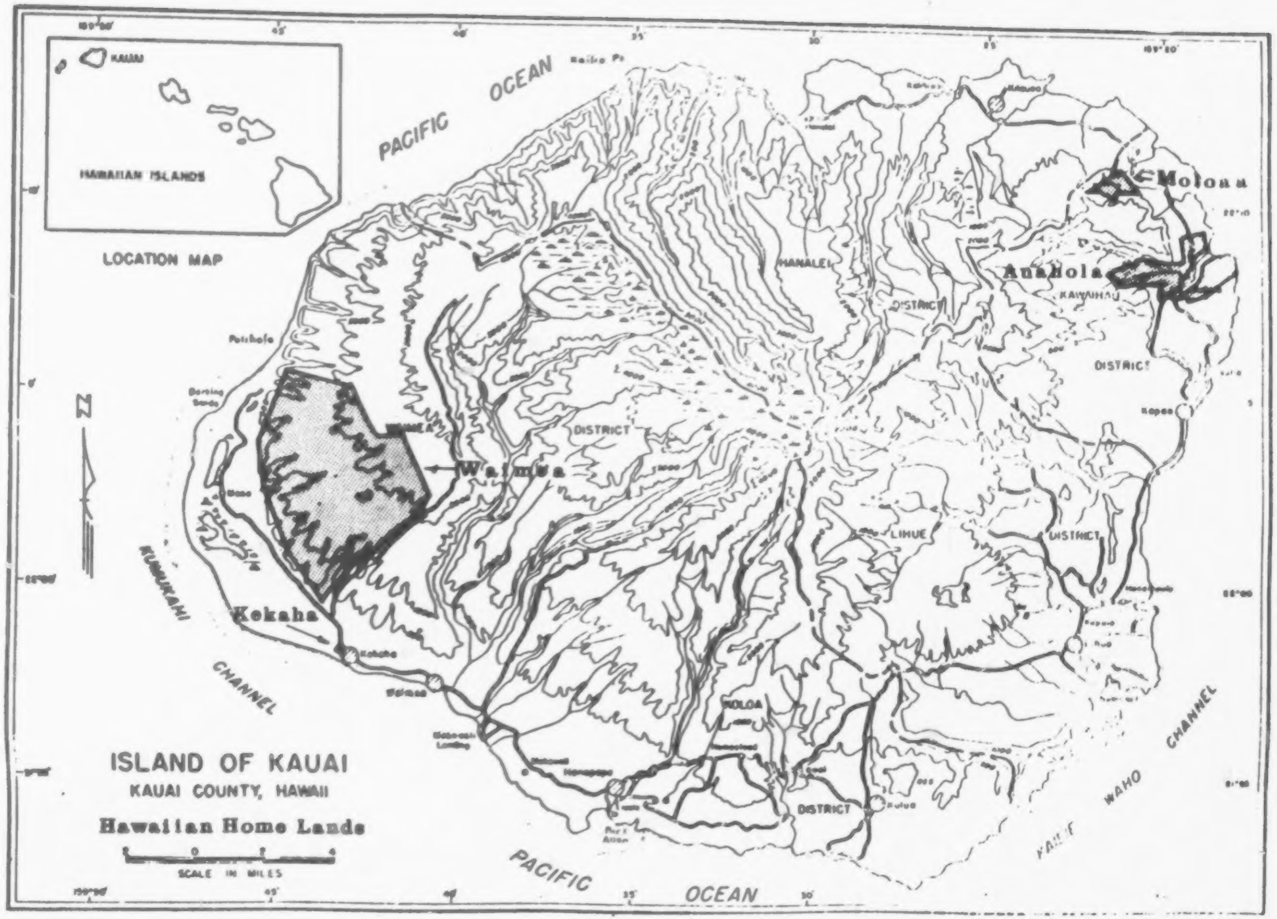
- ▦ URBAN
- ☐ AGRICULTURAL
- ▨ CONSERVATION

WAIANAE

LAND USE PLAN

N
Scale
Waianae
Pokai Bay
Puu Mailii
Maili
Maili Pt
Lualualei
Homestead
Naval Radio Station
Lualualei Naval Reservation
Puu o Hulu
Puu Heleakala
Nanakuli Valley
Nanakuli
Puu Kanehoa
Puu Kaua
Waianae Kai
Forest Reserve
Military Res.
Stream
District
Waianae
Ewa

TMK 8-5&6 Hawaiian Homes Land



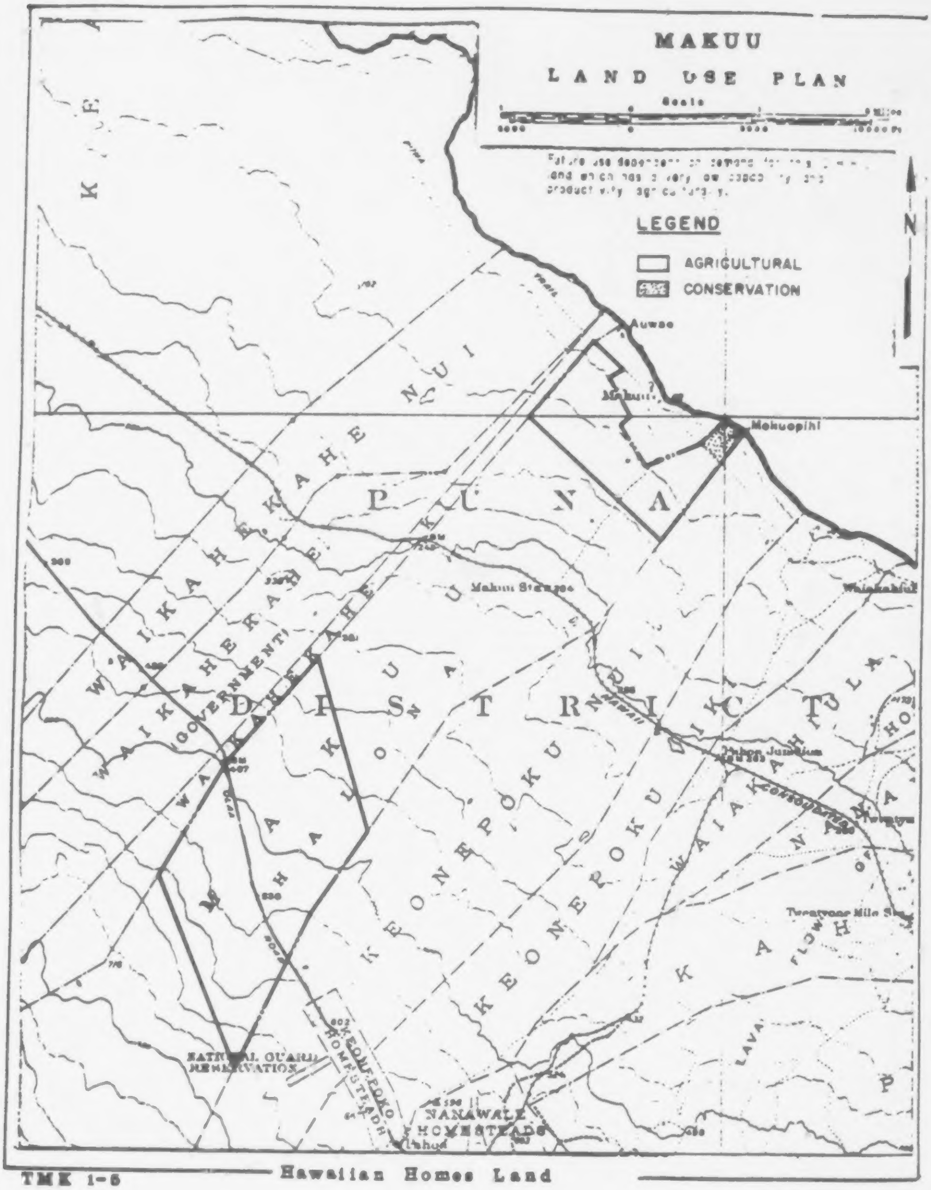
ISLAND OF KAUAI
KAUAI COUNTY, HAWAII
Hawaiian Home Lands

KAUAI
HAWAIIAN ISLANDS
LOCATION MAP
PACIFIC OCEAN
Kailiu Pt
HANALEI
DISTRICT
Moloaa
Anahola
KAWAIHAU
DISTRICT
Kapaa
LIHUE
DISTRICT
KOLOA
DISTRICT
WAIMEA
DISTRICT
Waimea
Polihale
Barking Sands
Kekaha
Kekaha
Waimea
Port Allen
KUMUKAHI
CHANNEL
KAIEIE WAHO CHANNEL
PACIFIC OCEAN
0 2 4
SCALE IN MILES
N

WAIMEA

The Waimea tract consists of the uplands above the Mana Plain, west of Waimea Canyon and the highway to Kokee, and southwest of the Kokee area. Approximately 15,[illegible] acres, this tract mainly consists of forested gulches draining the Kokee Plateau. Some 2,200 acres of ridge land are estimated as having potential for sugar cultivation, suggesting slopes amenable also to other kinds of development. The balance of nearly 13,000 acres are gulch lands and narrow ridges.

-Elevation:	200 feet above the Mana Plain to about 2,500 feet.
-Soils:	The lower portion of the tract have relatively deep, well-drained silty loam, suitable for woodland, wildlife, pasture, and sugar, as well as, building development. The upper portions are extensively steep gulch lands best left in woodlands, as they are highly erodable.
-Temperature:	Seasonal highs vary from 75 - 85 F in lower areas to about 70 F in upper areas; lows range from about 65 F below to about 55 F above.
-Rainfall:	25 inches annually, immediately above the Mana Plain, to about 40 inches at the upper boundary.
-Vegetation:	While no recent survey has been done of remote lands, to date, surrounding areas are mostly introduced woodland species interspersed with native shrubs. Some 800 acres of ridge land have been cultivated in sugar, and experimented with nursery crops and coffee.
-Infrastructure:	Cane haul roads and service roads are the only access to the property. Non-potable water service is derived from the Kokee Ditch, a private source, drawn from a headwater of Waimea River. No electricity or telephone service is available on-site.
-Land Use Designation:	Most of the acreage at Waimea is undeveloped woodland and gulch land; almost 800 acres are planted in sugar; two pasture homesteads occupy about 475 acres.
-Archeological Sites:	Extending makai from the general vicinity of Puu Opae are two ridges with sites reported. Western-most is Niu Ridge, one of the broadest in the region. On its flanks are streams with taro terraces. There had once been a heiau and village on Makahoa Ridge just below Puu Opae, but these were probably destroyed in the process of sugar cultivation.


MAKUU
LAND USE PLAN
Scale
Miles
Feet
Future use dependent on demand for this land which has a very low capacity and productivity agriculturally.
LEGEND
AGRICULTURAL
CONSERVATION
N
Auwae
Makuu
Mokuopihi
PUNA
DISTRICT
WAIKAHEKAHE NUI
WAIKAHEKAHE ITI
(GOVERNMENT)
MAKUU
KEONEPOKO NUI
KEONEPOKO ITI
WAIAKAHIULA
KAOHE
LAVA FLOW
Makuu Stampede
Pahoa Junction
Twentyone Mile St
NATIONAL GUARD RESERVATION
KEONEPOKO HOMESTEADS
NANAWALE HOMESTEADS
Pahoa

TMK 1-5 Hawaiian Homes Land

WAIKOLOA-WAIALEALE

These two parcels are located on the Hamakua coast near the town of Honokaa. When "Waikoloa" is translated literally, it means duck water or duck pond. In this instance, however, it may be referring to the wind which comes from the northwest. "Wai'ale'ale" translates as "rippling water" or "overflowing water." The significance of this is not known. These parcels are surrounded by Kamoku-Kapulena.

DESCRIPTION: Area - 1,208.247 acres

Tax Map Key References: 3rd Taxation District

4-7, 4-7-06, 07 (Supp.)

-Elevation: 1,500 feet - 3,400 feet

-Soils: Two dominant soil associations prevail in the parcels; Honokaa Silty Clay Loan (10-20% slope) which lends itself to pasture and Rough Broken Land (RB) which does not. The former association fortunately occurs more often.

-Temperature: Low 50's to High 70's (average 68 F)

-Rainfall: Variable 40-60 inches annually in higher elevations and 100-150 inches annually in the lower elevations.

-Vegetation: The area is utilized as pasture and is primarily covered by Kikuyu grass (Pennisetum clandestinum). Few scattered koa and ohia dot the landscape.

-Infrastructure: The area is bisected byt the Hawaii Belt Highway and Mamalohoa Highway. County domestic water is in the area as are utilities.

-Land Use Designation: Agriculture--State Land Use Commission/ Pature--DHHL General Plan

-Archaeological Sites: No sites have been reported to DLNR.

-Environmental Significance: No endangered or threatened species are known to inhabit the area. The area's major significance is that it serves as buffer between human development and native ecosystems at the higher elevations and further to the east.

DHHL LAND USE/ENCUMBRANCES:

-Homesteading Leases: Pastoral - 4 leases

-Former Proclamation Lands: 289.14 acres returned by DLNR (Hamakua Forest Reserve) PROC. OF 12/22/28

DHHL BENEFICIARY DEMAND: [illegible]

	Waiting List
(PAS) Island-wide	415
Waimea	250

DHHL CONCERNS:

-Feasibility of developing stockwater system for the area

DHHL PLANNING REFERENCES:

-DHHL General Plan, April, 1976.

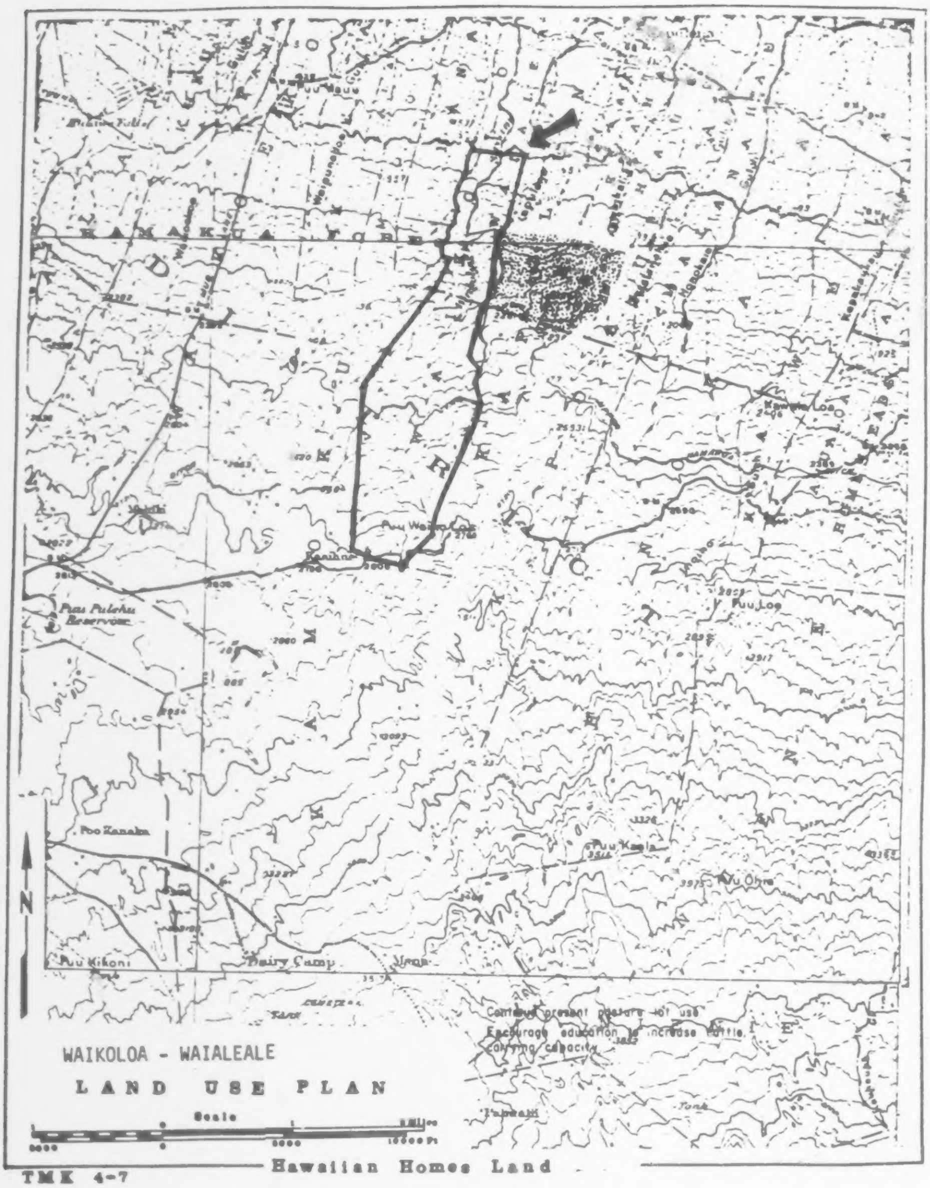
-Land Use Study of Hawaiian Home Lands for the State of Hawaii, Analytical Planning Consultants, Inc. Honolulu, Hawaii, April 30, 1971.

-Cleg, Donald and Richard A. Bird, Program Study and Evaluation of the Department of Hawaiian Home Lands, State of Hawaii, submitted to the Office of the Governor, January 20, 1971.

-NHDO, A Notebook of Commonly Known Archaeological and Historical Sites Located on Lands Administered by the Department of Hawaiian Home Lands, Special Publication 1, July, 1984 (rev. 11/84)

-NHDO, A Notebook of Unique Ecosystems and Habitats for Threatened and Endangered Species on Lands Administered by the Department of Hawaiian Home Lands, Special Publication 2, July, 1985.

-DHHL, Land Inventory and Land Use Study for the Department of Hawaiian Home Lands, Arthur Akinaka, Ltd., December 18, 1972.


N
Puu Pulehu Reservoir
Puu Kikoni
Dairy Camp
Puu Loa
Puu Kaala
Puu Ohia
Scale
5000
0
5000
10000 Ft
1
2 Miles

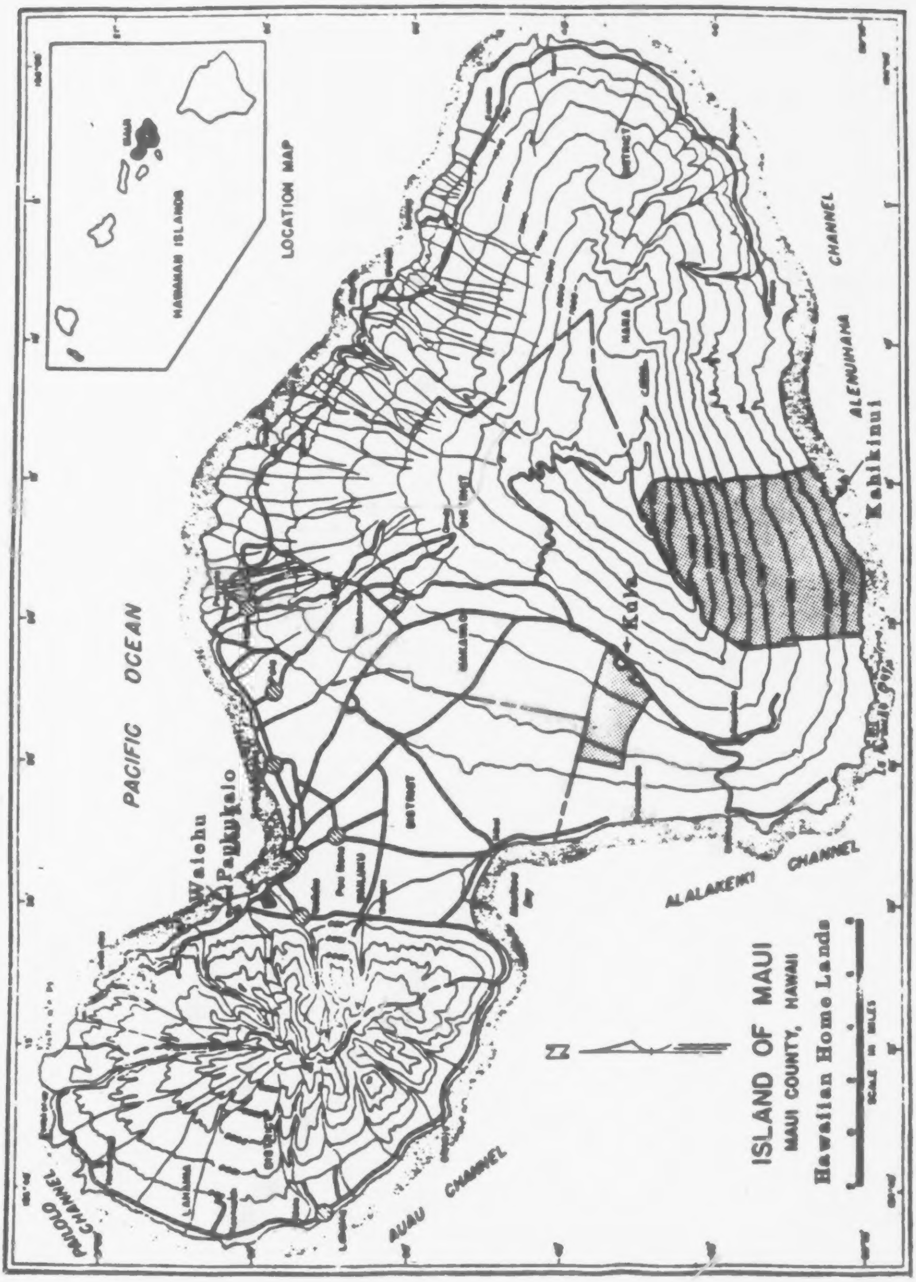
Continue present pasture lot use
Encourage education to increase cattle carrying capacity

WAIKOLOA - WAIALEALE

LAND USE PLAN

Hawaiian Homes Land

TMK 4-7


ISLAND OF MAUI
MAUI COUNTY, HAWAII
Hawaiian Home Lands
PACIFIC OCEAN
Waiehu
Paukukalo
Kula
Kahikinui
ALENUIHAHA CHANNEL
ALALAKEIKI CHANNEL
AUAU CHANNEL
PAILOLO CHANNEL
HAWAIIAN ISLANDS
LOCATION MAP

KAHIKINUI

NAME:	Kahikinui
Literal Translation:	"great Tahitian"
SIZE/LOCATION/ACCESS:	22,809 acres on the island of Maui extending 8 miles down the south slope of Haleakala to the shoreline, in a band 6 miles wide. State Highway 31 through midsection; Haleakala Highway to upper area.
ELEVATION:	Sea level to 10,000 feet.
SOILS/SLOPES:	Puu Pa very stony silt loam, 7% to 40% slopes cover about 60% of the area; the balance is very stony Aa lava, 12% to 14% slopes in the lower half, near coastline and off Highway 31.
TEMPERATURES:	82 degrees Fahrenheit at shoreline; decreases 2 degrees Fahrenheit per thousand feet elevation.
RAINFALL:	10" -15" lower area; 20" -30" upper area (average annual).
VEGETATION:	Grasses, scrub bushes, kiawe in lower areas; native woodland (mamane, ohia, koa) and subalpine shrubs in upper areas.
ENDANGERED SPECIES:	Rare or endangered native plants reported on the east side of Lualailua Hills between 900' - 3,000' elevations; in a small area between Kepuni and Kamole gulches between 750' - 800' elevations; and growing in Manawanui Gulch between 4,500' - 5,700' elevations. The Dark-Rumpted Petrel ('Ua'u) which nests 10,000' elevation is on the federal endangered list.
INFRASTRUCTURE:	
Water:	Domestic: county service ends at Kanaio, two miles west; extend or catchment. Agriculture: pumping from saline well and from Manawanui Stream.
Electricity:	Line ends 2 miles west at Kanaio.
Sewage:	Cesspool or septic tank.
Drainage:	Large Manawanui Gulch on East boundary. Sheet flow except through gulches.
PUBLIC SERVICES:	At Makawao-Pukalani, 25 road miles; at Kahului-Wailuku, 35 road miles.
LAND USE DESIGNATIONS:	
State LUC:	Conservation above 5,000 feet elevation; Agricultural below 5,000 feet elevation.

WAIMEA (continued)

On the eastern edge of the tract is Puehu Ridge, with a small unnamed heiau; at the makai end of the ridge is Hauola Heiau, large, two-terraced, one of five on Kaua'i with a bone pit; below this is Waiawa Valley, which had house and taro sites since destroyed by plantation agriculture.

-Environmental Significance: Without a biological survey, special assets are not known. This is a major watershed of intermittent streams for the west side of Kaua'i, and can contribute to downstream pollution during storms if not properly managed.

DHHL LAND USE/ENCUMBRANCES:

-Pasture Homesteads = 2

DHHL BENEFICIARY DEMAND: (As of 6/30/89)

Pasture-	Puu Opae	=	9
	Islandwide	=	32
Agriculture-	Islandwide	=	952
Residence-	Islandwide	=	855

DHHL CONCERNS:

Adequate water supply is a foremost issue for current homesteaders and a major obstacle for future development. In 1993, acreage leased for sugar will be returned. It is anticipated that an assessment for development areawide will begin next year.

Development of the area for homesteading is an addition desire.

DHHL PLANNING REFERENCES:

-NHDO, A Notebook of Commonly Known Archaeological and Historical Sites Located on Lands Administered by the Department of Hawaiian Home Lands, Special Publication 1, July, 1984 (rev. 11/84)

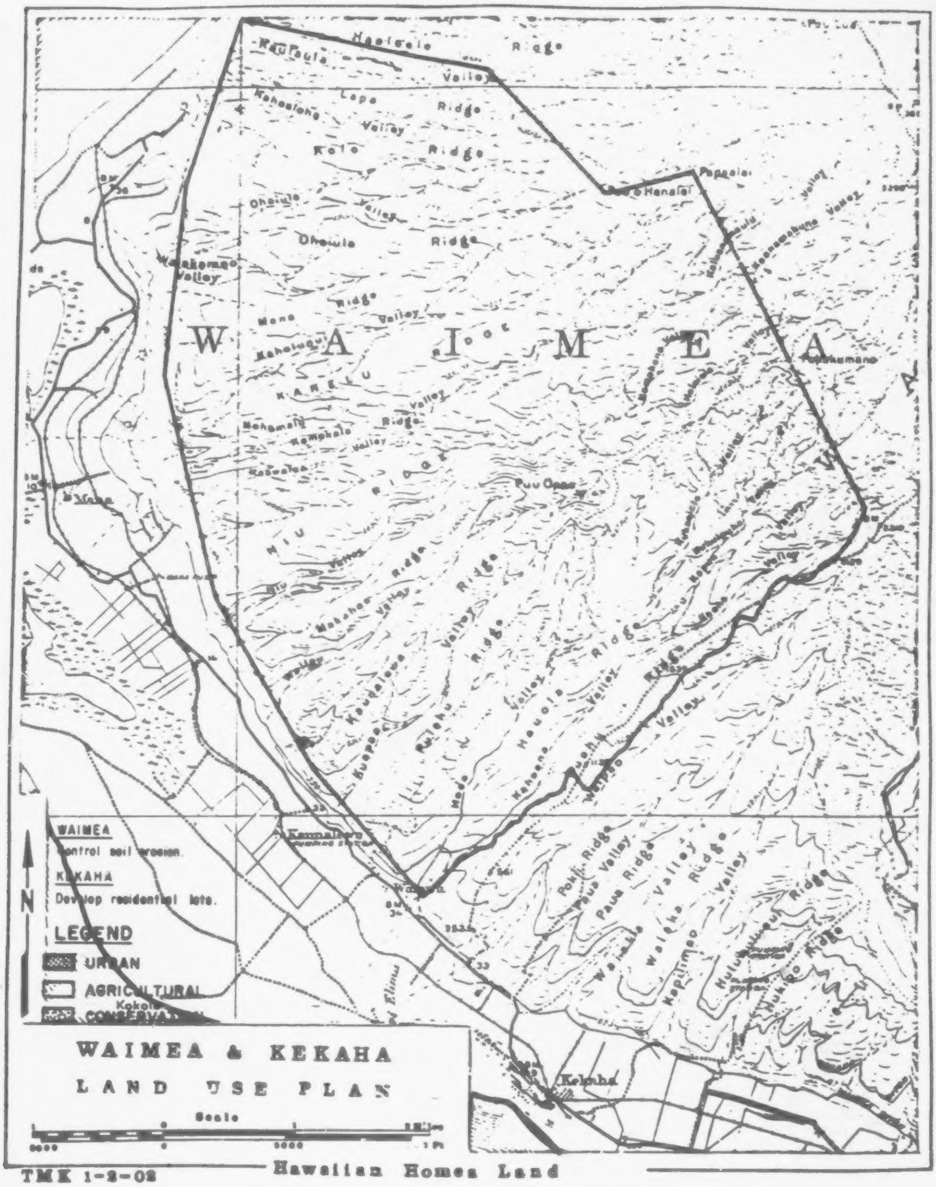
-NHDO, A Notebook of Unique Ecosystems and Habitats for Threatened and Endangered Species on Lands Administered by the Department of Hawaiian Home Lands, Special Publication 2, July, 1985.

-DHHL General Plan, April, 1976.

-Land Use Study of Hawaiian Home Lands for the State of Hawaii, Analytical Planning Consultants, Inc. Honolulu, Hawaii, April 30, 1971.

-Cleg, Donald and Richard A. Bird, Program Study and Evaluation of the Department of Hawaiian Home Lands, State of Hawaii, submitted to the Office of the Governor, January 20, 1971.

-DHHL, Land Inventory and Land Use Study for the Department of Hawaiian Home Lands, Arthur Akinaka, Ltd., December 18, 1972.


Haeleele Ridge
Kauhaula Valley
Kahoaloha Valley
Lepa Ridge
Kolo Ridge
Ohaiula Valley
Ohaiula Ridge
Waiakomao Valley
Mana Ridge
Papaalai
Haeleele Ridge
W A I M E A
KAHELU
Puu Opae
Niu Ridge
Niu Valley
Makaha Ridge
Kauhao Valley
Kaaweiki Ridge
Hauola Valley
Kahana Valley
Poki Ridge
Paua Valley
Paua Ridge
Waikea Valley
Kapilimao
Mana
Kaunalewa
Waiawa
Kokole
Kekaha
N
WAIMEA
Control soil erosion.
KEKAHA
Develop residential lots.
LEGEND
URBAN
AGRICULTURAL
CONSERVATION
WAIMEA & KEKAHA
LAND USE PLAN
Scale

TMK 1-2-02

Hawaiian Homes Land

MOLOAA

This tract is located 10 minutes north of Anahola, spanning Kuhio Highway. The HHCA set aside "2,500 acres, more or less," excluding forest reserve and sugar land. If these lands are excluded, there are only 316 acres remaining, most of it in pasture, the remaining in forest.

-Elevation:	On either side of Kuhio Highway, the Moloaa lands range from 200 to 600 feet in elevation.
-Soils:	Moloaa soils are relatively thin, rated just fair for pasture use; they are suitable for urban use.
-Temperature:	Similar to Anahola, with annual average high 87 F and low 60 F.
-Rainfall:	The annual average is 75 inches
-Vegetation:	Much of the original forest has been cleared for pasture; that forest is primarily introduced species.
-Infrastructure:	Kuhio Highway is the only roadway; electricity and telephone service also use this right-of-way.
-Land Use Designation:	Currently leased for pasturage, this tract is scheduled for agricultural homestead development upon development of a water source.
-Archeological Sites:	No sources report ancient sites on this tract.
-Environmental Significance:	Moloaa Stream flows through the tract; not quite perennial, it has long been subject to non-point source pollution from livestock.

DHHL LAND USE/ENCUMBRANCES:

-General leased until 2001.

DHHL BENEFICIARY DEMAND: (As of 6/30/89)

Agriculture-	Islandwide	= 952
Pasture-	Islandwide	= 32

DHHL CONCERNS:

-Cost-effectiveness of developing a potable water source for homesteading.

DHHL PLANNING REFERENCES:

-NHDO, A Notebook of Commonly Known Archaeological and Historical Sites Located on Lands Administered by the Department of Hawaiian Home Lands, Special Publication 1, July, 1984 (rev. 11/84)

-NHDO, A Notebook of Unique Ecosystems and Habitats for Threatened and Endangered Species on Lands Administered by the Department of Hawaiian Home Lands, Special Publication 2, July, 1985.

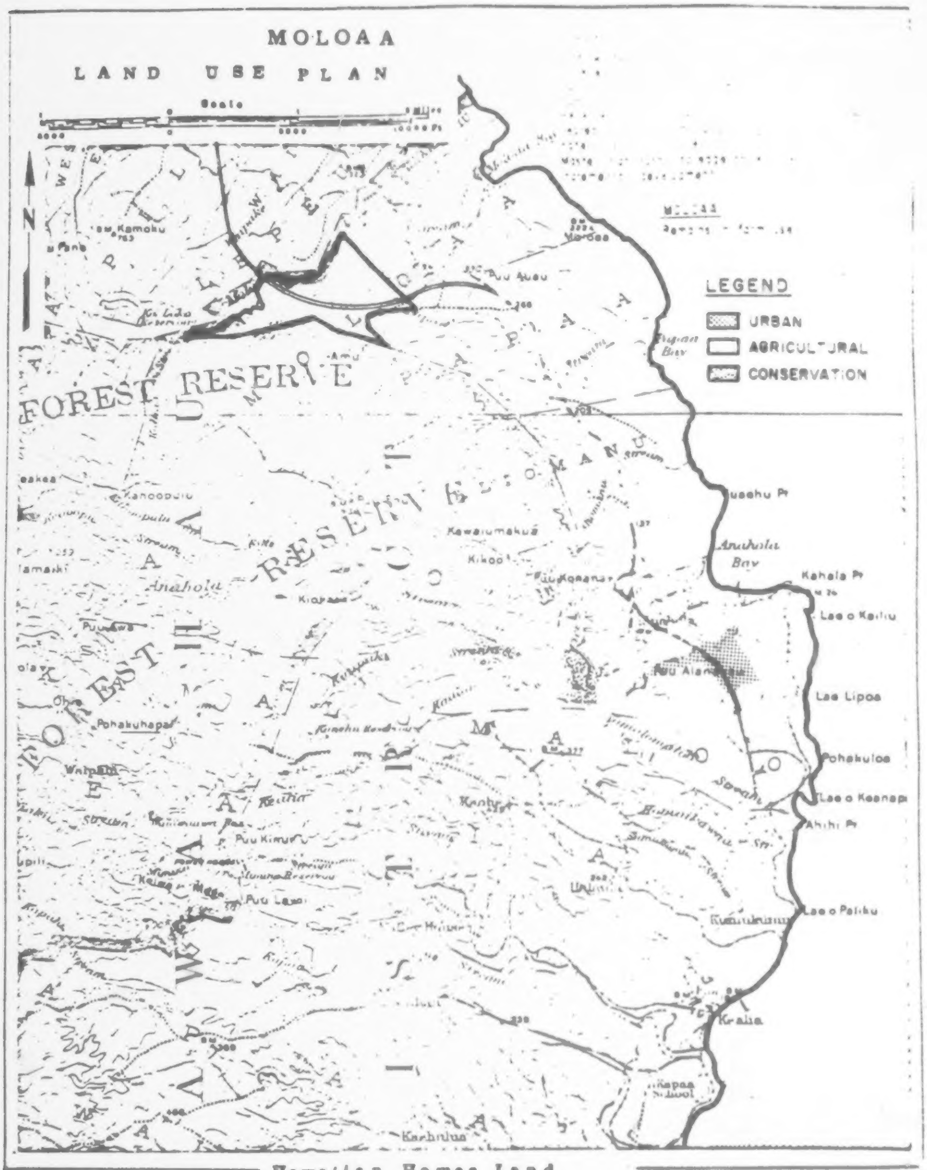
-DHHL, Anahola-[illegible]. Belt Collins and Associates, [illegible].

-Cleg, Donald and Richard A. Bird, Program Study and Evaluation of the Department of Hawaiian Home Lands, State of Hawaii, submitted to the Office of the Governor, January [illegible].

-DHHL General Plan, April, 1976.

-Land Use Study of Hawaiian Home Lands for the State of Hawaii, Analytical Planning Consultants, Inc. Honolulu, Hawaii, April 30, 1971.

-DHHL, Land Inventory and Land Use Study for the Department of Hawaiian Home Lands, Arthur Akinaka, Ltd., December 18, 1972.


MOLOAA
LAND USE PLAN
Scale
Miles
N
LEGEND
URBAN
AGRICULTURAL
CONSERVATION
FOREST RESERVE
Moloaa
Puu Auau
Papaa Bay
Aliomanu
Anahola
Anahola Bay
Kahala Pt
Lae o Kailiu
Lae Lipoa
Pohakuloa
Lae o Kaenapi
Ahihi Pt
Lae o Paliku
Kealia
Kapaa School
Kapahi
Pohakuhapai
Kawaiumakua
Kikoo
Kiokaeo
Kanoopulu
Puu Alamihi
Puu Kiwi
Puu Lani
Kamoku
Kahuleo
Kumukumu
Uluhiwa
Waipahee
Kealia Stream
Anahola Stream

TMK 4-8.4-9-10 **Hawaiian Homes Land**

ANAHOLA-KAMALOMALO

This tract is located on the northeast coast of Kaua'i about 10 minutes drive from Kapaa, halfway between Lihue and Hanalei. It is one of the few relatively complete ahupua'a in the Hawaiian home lands inventory. The HHCA set aside, "5,000 acres, more or less," without providing maps; it specifically excluded forest reserves and cultivated sugar land. The ahupua'a comprise about 8,577 acres; about 4,290 acres are in forest reserve, about another 1,000 acres in sugar cultivation. The department's official inventory shows the resulting 3,172 acres.

-Elevation:	sea level - 800 feet
-Soils:	The underlying strata are Waimea Series (north of Anahola Stream, including the Kalalea Mountains) and Koloa Series. The Waimea rocks have demonstrated a superior groundwater yield -- about twice the volume of the Koloa Series. The surface soils are a wide variety, from relatively thin deposits mauka to deep silt along the estuary. The predominant soils are suitable for urban, agricultural, and pastoral uses. Uplands are well eroded; some gulches are used for water storage.
-Temperature:	Annual average high is 87 F; average low is 60 F; seasonal variation is about 5 F.
-Rainfall:	Somewhat less than 50 inches annually at Anahola Bay, ranging to 75 inches above the existing homestead area and 100 inches at the mauka reservoir.
-Vegetation:	Long agricultural usage has eradicated most native habitat; upland gulches are mostly overgrown with introduced species. The estuary serves as host for native migratory fowl and fish.
-Infrastructure:	All major urban systems serve the area, and are currently at capacity. Kuhio Highway links Anahola with the rest of the island. A county water system serves the general population; a department system serves the agricultural homestead subdivision. Electricity and telephone service also serve the area.
-Land Use Designation:	Historically agricultural, the predominant pattern remains rural, with growing residential development and very limited commercial opportunities.
-Archeological Sites:	Three heiau are reported from historical sources; two are known to have been destroyed by agricultural plantations; the third has not been positively located but is reported to be where it would not have been

subject to plantation development. The Anahola Bay dunes are on the State Historic Register as a possible burial site. The middle reaches of Anahola Stream have discontinued lo'i kalo.

-Environmental Significance: Anahola Stream has one of the State's few estuaries, which is habitat for the endangered Koloa and other native species. The upper reaches of Anahola Stream above Hawaiian home lands are largely undisturbed.

DHHL LAND USE/ENCUMBRANCES:

-Homesteading Leases:	Residential	= 331
	Agricultural	= 46

DHHL BENEFICIARY DEMAND: (As of 6/30/89)

Residence-	Anahola	= 90
	Islandwide	= 855
Agriculture-	Anahola	= 6
	Islandwide	= 952
Pasture-	Anahola	= 24
	Islandwide	= 32

DHHL CONCERNS:

-Upgrading off-site water systems and expanding homestead infrastructure; completing a baseline aquatic resources survey for Anahola Stream

DHHL PLANNING REFERENCES:

-DHHL, Anahola-Kamalomalo and Moloaa Development Plan, Belt Collins and Associates, Honolulu, December 1987.

-WHDO, A Notebook of Commonly Known Archaeological and Historical Sites Located on Lands Administered by the Department of Hawaiian Home Lands, Special Publication 1, July, 1984 (rev. 11/84)

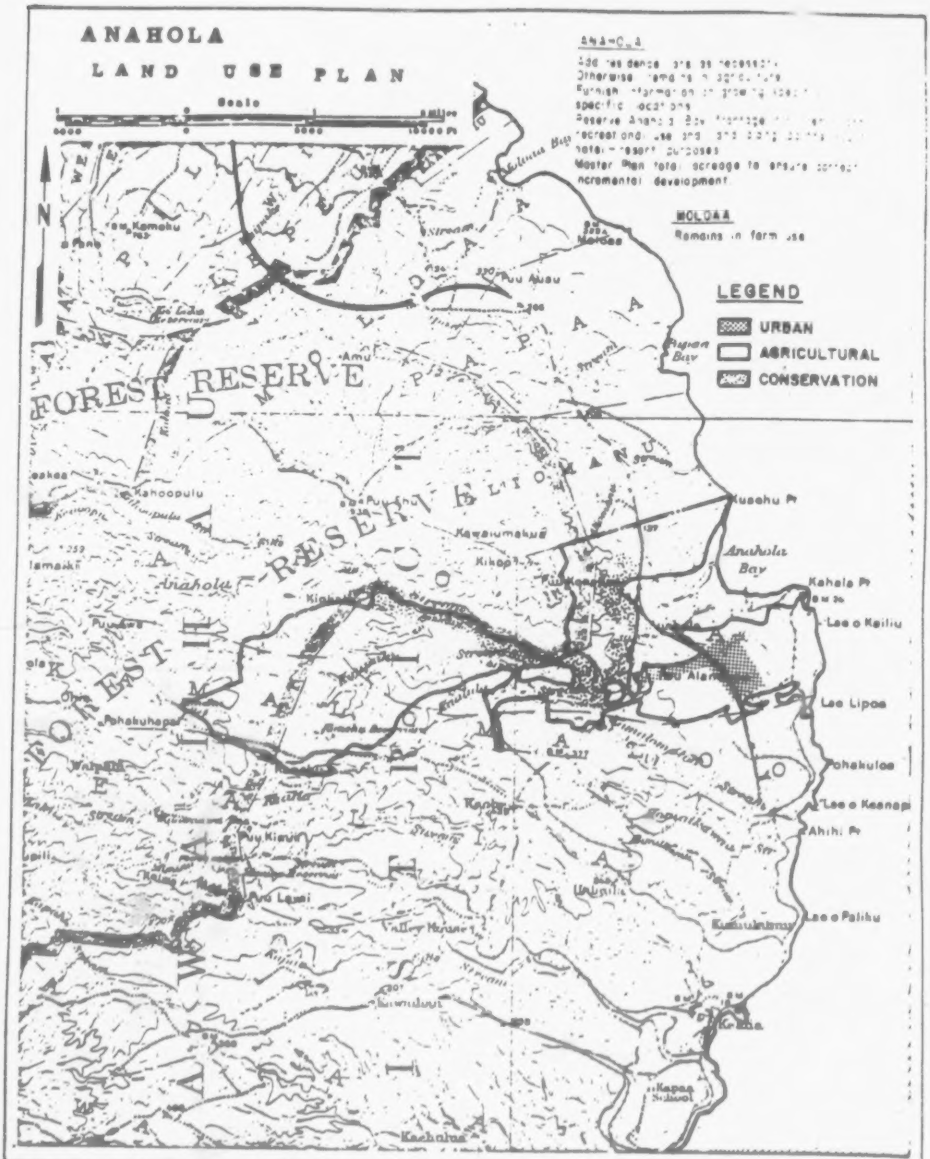
-WHDO, A Notebook of Unique Ecosystems and Habitats for Threatened and Endangered Species on Lands Administered by the Department of Hawaiian Home Lands, Special Publication 2, July, 1985.

-DHHL General Plan, April, 1976.

-Land Use Study of Hawaiian Home Lands for the State of Hawaii, Analytical Planning Consultants, Inc. Honolulu, Hawaii, April 30, 1971.

-Cleg, Donald and Richard A. Bird, Program Study and Evaluation of the Department of Hawaiian Home Lands, State of Hawaii, submitted to the Office of the Governor, January 20, 1971.

-DHHL, Land Inventory and Land Use Study for the Department of Hawaiian Home Lands, Arthur Akinaka, Ltd., December 18, 1972.


ANAHOLA
LAND USE PLAN
Scale
0
5000
10000 Ft
2 Miles
N
ANAHOLA
Add residence area as necessary
Otherwise remains in agriculture
Furnish information on growing [illegible]
specific locations
Reserve Anahola Bay frontage [illegible]
recreational use and [illegible]
hotel-resort purposes
Master Plan total acreage to ensure correct
incremental development
MOLOAA
Remains in farm use
LEGEND
URBAN
AGRICULTURAL
CONSERVATION
FOREST RESERVE
Moloaa
Puu Auau
Papaa Bay
Amu
Kuaehu Pt
Anahola Bay
Kahala Pt
Lae o Kailiu
Lae Lipoa
Pohakuloa
Lae o Kaenapi
Ahihi Pt
Lae o Paliku
Kawaiumakua
Kikoo
Kahoopulu
Anahola
Pohakuhapai
Puu Kiauli
Puu Lapai
Kealia
Kapaa School
Kaehulua

TMK 4-8, 4-9-10 Hawaiian Homes Land

KEKAHA

Kekaha is a small mill town on the west end of Kauai, across the channel from Niihau, lying along the shoreline of the low Mana Plain. Obtained by land exchange in 1955. Kehaka's 20 acres of HHL are fully awarded as residential homesteads.

-Elevation:	Ten feet
-Soils:	Loamy fine sand, typical of windblown beaches, suitable for pasture, sugar and alfalfa.
-Temperature:	Average high fluctuates over the seasons from 80 -90 F; lows vary from 61 - 68 F.
-Rainfall:	About 20 inches annually
-Vegetation:	Urban landscaping
-Infrastructure:	Roads meet rural county standards; water lines also meet current urban standards; electricity and telephone lines serve the area.
-Land Use Designation:	Except for about four acres which have long been a cemetery, this tract is fully developed into residential lots.
-Archeological Sites:	No known archeological sites exist here; some burials may be ancient.
-Environmental Significance:	As a low-lying area, Kekaha is susceptible to tsunami and heavy Kona storms; under such conditions, ponding is severe.

DHHL LAND USE/ENCUMBRANCES:

-Residence Homesteads = 74

DHHL BENEFICIARY DEMAND: (As of 6/30/89)

Residence-	Kekaha	= 25
	Islandwide	= 855

DHHL CONCERNS:

-Protection of burial sites

DHHL PLANNING REFERENCES:

-NHDO, A Notebook of Commonly Known Archaeological and Historical Sites Located on Lands Administered by the Department of Hawaiian Home Lands, Special Publication 1, July, 1984 (rev. 11/84)

-NHDO, A Notebook of Unique Ecosystems and Habitats for Threatened and Endangered Species on Lands Administered by the Department of Hawaiian Home Lands, Special Publication 2, July, 1985.

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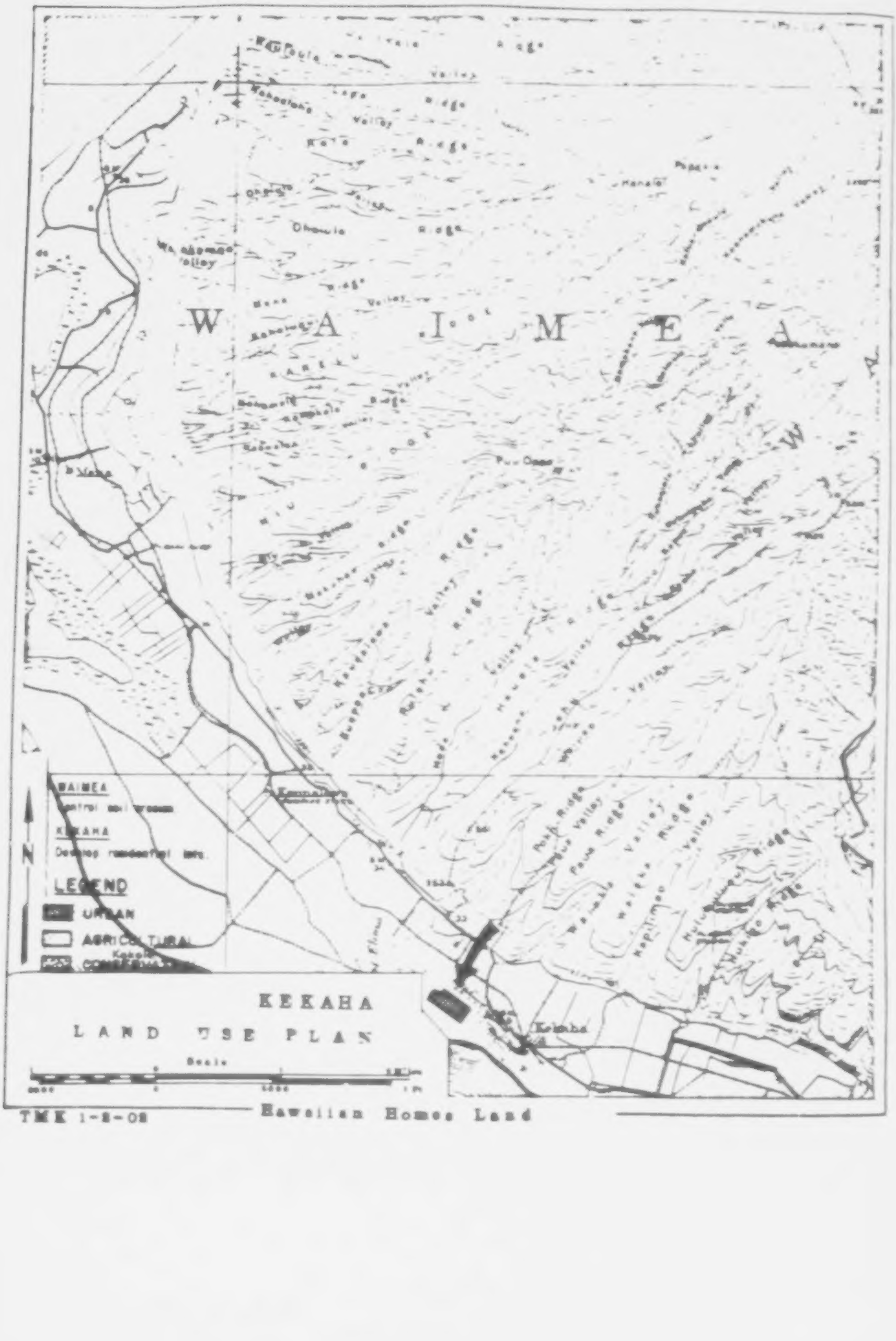
W A I M E A
Kekaha
WAIMEA
Control soil erosion
KEKAHA
Develop residential lots.
LEGEND
URBAN
AGRICULTURAL
CONSERVATION
N
Scale

KEKAHA

LAND USE PLAN

TMK 1-8-02

Hawaiian Homes Land

JOHN WAIHEE
GOVERNOR
STATE OF HAWAII

ILIMA A. PIIANAIA
CHAIRMAN
HAWAIIAN HOMES COMMISSION

STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS
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OVERSIGHT HEARINGS ON THE HAWAIIAN HOMES COMMISSION ACT OF 1920 BEFORE THE U.S. SENATE SELECT COMMITTEE ON INDIAN AFFAIRS AND THE U.S. HOUSE COMMITTEE ON INTERIOR AND INSULAR AFFAIRS HELD ON AUGUST 7-11, 1989

RESPONSES

BY
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September 21, 1989

1. Regarding the Committees' Question on Land Exchanges and Value-for-Value Received by the Department:

Section 204 of the Hawaiian Homes Commission Act requires that exchanges of Hawaiian home lands be of equal value and with approval by the Secretary of the Interior. A list of land exchanges is enclosed. (See Exhibit "A," pages A-2 to A-5.)

All land exchanges to date have received approval from the Hawaiian Homes Commission, the second party, and the Secretary of the Interior.

2. Regarding the Committees' Request for a Status Report on Efforts to Exchange Lands for Land on the Island of Lanai:

Preliminary discussions with the major landowner and developer on Lanai have recently been initiated to explore the acquisition of lands for Hawaiian home lands homesteading purposes on that island. The means of acquisition and the legal status of acquired lands within the framework of the Hawaiian Homes Commission Act are currently being analyzed.

3. Regarding the Committees' Question on Background of "Missing Lands" Related to Hawaiian Home Lands:

A complete explanation of the "missing lands" issue was contained in testimony of August 7, 1989, presented by the Department of Hawaiian Home Lands to the Congressional Committees. The relevant portions of that testimony are as follows:

The Department of Hawaiian Home Lands (DHHL), has spent many years in ascertaining the number of acres in its land inventory. Due to the manner in which lands were identified and set aside in the Hawaiian Homes Commission Act, much confusion has arisen over the exact number of acres that should be in the inventory. The Act basically identifies land divisions by name and provides a gross estimate of acreage for the land divisions.

A major cause for the alleged "missing" lands is the express exclusions contained in the Act. In section 203, Congress provided that:

> All public lands of the description and acreage as follows, excluding (a) all lands within any forest reservation, (b) all cultivated sugar-cane lands, and (c) all public lands held under a certificate of

occupation, homestead lease, right of purchase lease, or special homestead agreement, are hereby designated, and hereafter referred to as "available lands".... (Emphasis added.)

Additional exclusions relating to the lands of Waimanalo on the island of Oahu are provided in subsection (4) of section 203 of the Act which reads:

> (4) on the island of Oahu:...Waimanalo (four thousand acres, more or less), in the District of Koolaupoko, excepting therefrom the military reservation and the beach lands....(Emphasis added.)

As a result of the exclusions of lands already in forest reserve when the Act was passed on July 9, 1921, thousands of acres were precluded from becoming Hawaiian home lands. One example is the lands of Nanakuli on the island of Oahu. (See Exhibit "A," page A-9 to A-25.) The Act designated 3,000 acres, more or less, as "available lands." The land division of Nanakuli contains approximately 3,455 acres, more or less. By Governor's Proclamation dated June 4, 1913, an area of 1,010 acres was set aside as the Nanakuli Forest Reserve. Thus, at the time of the Act's passage, without examining the applicability of other express exclusions, there were in the lands of Nanakuli only 2,445 acres, more or less, which could be considered as "available lands." Other such examples are Lualualei on the island of Oahu and Anahola/Kamalomalo and Moloaa on the island of Kauai.

The exclusion of public lands under sugarcane cultivation accounts for the deduction of approximately 4,000 acres from the total acreage cited in the Act for the areas of Waimanalo and Lualualei on the island of Oahu, and Anahola-Kamalomalo on the island of Kauai.

The acreage cited for certain land divisions designated as available lands was another major factor. For example, the Act designates 5,000 acres of the lands of Kalaupapa, Molokai, as available lands. However, the entire land division of Kalaupapa consists of only 1,247 acres, all of which are included in the Hawaiian home lands inventory. There never were 5,000 acres in Kalaupapa, resulting in a loss of 3,753 acres.

Another example is the lands of Kahikinui on the island of Maui. The Act designated 25,000 acres, more or less, as "available lands." However, the entire land division of Kahikinui only contains a gross area of approximately 23,064 acres. Excluding private lands, grants and possible Land Commission Awards, totalling approximately 254 acres, the net area which could possibly attain the status of Hawaiian home lands for the land division of Kahikinui was 22,809 acres, realizing another loss of 2,191 acres. (See Exhibit "A," page A-36.)

There are other such examples, but not of such large acreages, such as Nienie, Kamoku-Kapulena, and Pauahi, on the island of Hawaii.

Another factor in the difference between acreage cited in the Act and the actual number of acres in the inventory involves lands that the Commission was to select. Section 203(1) of the Act designated three areas on the island of Hawaii in which the Commission was required to select lands it desired for inclusion as "available lands." These areas were:

53,000 acres	Humuula Mauka, North Hilo
2,000 acres	Piihonua, South Hilo
2,000 acres	Kaohe-Makuu, Puna

Section 204(3) of the Act provided that:

> In case any land is to be selected by the commission out of a larger area of available lands, such land shall not assume the status of Hawaiian home lands until the commission, with the approval of Secretary of Interior, makes the selection and gives notice thereof to the commissioner of public lands. The commission shall give such notice within three years after the expiration of the five-year period referred to in paragraph (1) of this section. Any such notice given thereafter shall be deemed invalid and of no effect. (Emphasis added.)

The Commission was given eight years from the date of its first meeting (September 20, 1921) within which to select the lands it desired. Any selection made thereafter would be invalid and have no effect.

In addition, section 205 of the Act provided that:

> Available lands shall be sold or leased only (1) in the manner and for the purposes set out in this title, or (2) as may be necessary to complete any valid agreement of sale or lease in effect at the time of the passage of this Act; except that such limitations shall not apply to the unselected portions

of lands from which the commission has made a selection and given notice within the time limit, as provided in paragraph (3) of section 204 of this title.

On June 27, 1929, the Commission passed three resolutions relative to the island of Hawaii, selecting 49,100 acres of the lands of Humuula (Resolution No. 5), 2,000 acres of the lands of Piihonua (Resolution No. 6), and 2,000 acres of the lands of Kaohe-Makuu (Resolution No. 7). By selecting only 49,100 acres of the lands of Humuula, there were 3,900 acres less than the acreage cited in the Act which never became Hawaiian home lands. (See Exhibit "A", pages A-37 to A-44.)

With regard to the Committees' question on the number of acres under cultivated sugarcane at the time of passage of the Hawaiian Homes Commission Act--and therefore excluded from assuming the status of Hawaiian home lands--our best estimate is as follows:

Lualualei, Oahu	559.4 acres
Waimanalo, Oahu	2,515.0 acres
Anahola/Kamalomalo, Kauai	1,355.0 acres

TOTAL	4,429.4 acres

Some have attributed the loss of these lands to land exchanges. However, as a result of ten land exchanges, two made prior to statehood and eight made following statehood, the Hawaiian homes program has realized a net gain of 3,717 acres of lands added to its inventory. (See Exhibit "A", pages A-2 to A-5.)

Others have attributed the loss of lands to Congressional withdrawals. It is true that Congress withdrew 353 acres of Hawaiian home lands and restored them to their former status as public lands under the control of the Territorial Commissioner of Public Lands. However, Congress also placed 599 additional acres of public lands under the Hawaiian homes program. Congressional additions and withdrawals resulted in a net gain of 295 acres, with fifty of those acres being returned to the State in 1967 by way of a quitclaim deed from the United States pursuant to the terms of the original withdrawal. (See Exhibit "A", page A-1.)

Clearly, neither land exchanges by the Commission nor withdrawals by the Congress can be said to have caused the loss of these lands.

Regarding Lualualei on the island of Oahu, approximately 1,343 acres are presently under use by the federal government through illegal executive orders. These lands were set aside by Governor's Executive Order No. 382, dated January 21, 1930, and Executive Order No. 599, dated December 22, 1933, and are presently used by the U.S. Navy as part of a radio transmitting station as well as an ammunition depot. The State wrote to the Secretary of Interior seeking its assistance in obtaining the return of these lands or compensation therefore as well as compensation for its past use and occupancy. Not receiving the requested assistance, the State brought suit in Hawaii federal district court against the federal government and its department of the Navy seeking the return of said lands or compensation for its past and present use. The federal court ruled that under the Quiet Title Act, it lacked jurisdiction over this matter based on a statute of limitations argument that suggested that there was never a time that a suit could be brought until the lands are no longer needed for national defense purposes and therefore dismissed the suit.

DHHL's current inventory of 187,419 acres is the best estimate available of its lands, based on all available maps and other reliable evidence. A more accurate inventory would require resolution of all pending claims and preparation of up-to-date surveys of virtually every parcel of Hawaiian home lands.

4. Regarding the Committees' Question on an Inventory of Federal Lands in the State of Hawaii, Particularly Any Former Hawaiian Home Lands Parcels, and Present Status:

Federal involvement with Hawaiian home lands parcels can be classified as follows:

a. Congressional Action - Additions to and withdrawals of Hawaiian home lands by actions of the U.S. Congress. Nine actions are noted in Exhibit "A," page A-1, which resulted in the addition of 598.568 acres, the withdrawal of 353.416 acres, the addition of 50.000 acres (with easements) by quitclaim, for a net gain of 295.152 acres of Hawaiian home lands.

b. Governor's Executive Orders - Use of Hawaiian home lands by federal agencies, considered improper and illegal are as follows:

Lualualei, Oahu

G.E.O. No. 382	132 acres	U.S. Navy
G.E.O. No. 599	1,224 acres*	U.S. Navy
G.E.O. No. 1153	0.496 ac	U.S. Navy
Area Subtotal:	1,356.496 acres	

Waimanalo, Oahu

G.E.O. No. 1023	3.397 acres

Keaukaha, Hawaii

G.E.O. No. 1271	3.91 acres	FAA
G.E.O. No. 1280	1.83 acres**	FAA
Area Subtotal:	5.74 acres	

* G.E.O. 599 includes 19.226 acres returned by the United States to the State of Hawaii per deed of May 18, 1964.

** G.E.O. 1280 of 50.0 acres covered by G.E.O. No. 1280, a total of 48.15 acres are now under State of Hawaii control. The remaining 1.85 acres consists of access road and cable line easements which were reserved by the United States for the FAA.

c. Condemnation Actions - There are certain lands (believed to have been Hawaiian home lands) for which grants were issued at various times by the Commissioner of Public Lands after passage of the Hawaiian Homes Commission Act, which were condemned later by the United States. These condemnation actions were:

Lualualei, Oahu

Civil Nos. 685 and 721	141.42 acres	U.S. Navy

Kamaoa-Puueo, Hawaii

After Statehood, the federal government also condemned certain Hawaiian home lands at South Point, island of Hawaii.

Civil No. 2017	5.739 acres	Fee
	0.457 acres	Easement

d. General leases for Nominal Compensation - Use of Hawaiian home lands by federal agencies by way of general leases; however, at nominal compensation and with no benefits to the trust.

Humuula, Hawaii

GL No. S-3849	295.000 acres	U.S. Army

Waimea, Kauai

GL No. S-3852	25.686 acres	U.S. Navy

5. Regarding the Committees' Request for a Status Report on Federal-State Task Force Recommendation #13 - Cluster Housing:

Section 207(a) of the Hawaiian Homes Commission Act, as amended by Act 27, 1984 Hawaii Session Laws 66, now authorizes the department to develop and construct multi-family housing for native Hawaiians.

The department has not undertaken steps necessary to implement this provision. The priority at present is on constructing improvements and assuring the availability of financing for 2,500 homestead lots awarded since 1984.

The provision of multifamily housing units for sale or rent to native Hawaiians represents an expansion of the traditional single-family residential homestead program. It will require an assessment of beneficiary needs, development costs, method of conveyance, and definition of beneficiary entitlements under these approaches. Partnerships are being pursued with the Housing Finance and Development Corporation, the Hawaii Housing Authority and private developers.

6. Regarding the Committees' Request for an Attorney General's Opinion on Federal-State Task Force Recommendation #19 - Making Waiting Lists Public Information:

The question of public information and privacy has recently been addressed by the Hawaii State Legislature through the passage of the Uniform Information Practices Act which became effective on July 1, 1989. The State Office of Information Practices is reviewing whether the waiting lists can be made public. Issuance of the opinion letter is expected by early November 1989.

7. Regarding the Committees' Request for a Status Report on Federal-State Task Force Recommendation #22 - Acquisition of Land in Areas With No Hawaiian Home Lands but With Significant Number of Beneficiaries:

The Department of Hawaiian Home Lands has begun to identify opportunities as well as mechanisms whereby it can acquire land in areas where there are no Hawaiian home lands and where there are large populations of native Hawaiians. The means of acquisition as well as legal questions regarding the status of lands that may be acquired within the context of the Act are currently being assessed .

8. Regarding the Committees' Request for a Status Report on Federal-State Task Force Recommendation #35 - Revolving Loan Fund to Guarantee Private Sector Financing:

The State has authorized the Department of Hawaiian Home Lands to guarantee up to a total of $21 million in loans to homestead lessees from various public and private sources. This is a contingent liability of the State and impacts on the State's debt ceiling.

As of June 30, 1989, the department is guaranteeing loans of $9,674,799.05, which include the following:

Farmer's Home Administration (FmHA)	$6,798,117.27
Model Cities	44,802.10
Housing Finance and Development Corporation (formerly a part of the Hawaii Housing Authority) (HFDC)	1,862,225.88
Small Business Administration (SBA)	11,400.00
Molokai Electric Co., Ltd.	58,001.80
Maui County	113,252.00
Kauai FCU	142,000.00
FHA/HUD (Interim Loan Financing)	645,000.00
Total	$9,674,799.05

In addition, the department has an agreement with the U.S. Department of Housing and Urban Development for Federal Housing Administration insured loans to homestead lessees. This program is separate from the direct guarantee program noted above. Under this program, though there is no limit to the amount of loans the department can indirectly insure, the department is required to maintain a reserve from which claims for default are to be satisfied.

9. Regarding the Committees' Request for a Memorandum on Federal-State Task Force Recommendation #40 - Study to Determine Extent to Which Existing Federal Laws May Facilitate Implementation and Financing of Strategy for Acceleration, With Emphasis on Existing Federal Programs for Housing for Native Americans Administered by the Department of Housing and Urban Development:

This recommendation was directed to the U.S. Department of the Interior. The Department of Hawaiian Home Lands will request a copy of the report and findings from the Secretary of the Interior.

10. Regarding the Committees' Request for a Status Report on Federal-State Task Force Recommendation #43 - Development Alternatives:

The status report on development alternatives was contained in testimony of August 8, 1989, presented by the Department of Hawaiian Home Lands to the Congressional Committees. The relevant portion of that testimony is as follows:

> DHHL's acceleration program in FY 1984-87 involved the provision of various homestead development alternatives:
>
> -- Subdivided lots with full improvements in place.
>
> -- Surveyed, unsubdivided lots with access, water, or utilities nearby.
>
> -- Surveyed, unsubdivided lots with no improvements.

No clustered, multi-family, or attached housing alternatives were pursued at the time. In order to meet the increasing demand for homestead leases and to reduce development costs, these alternatives will be examined by DHHL in cooperation with State and private organizations that have more experience with other development alternatives.

11. Regarding the Committees' Request for a Status Report on Federal-State Task Force Recommendation #50 - Return of Hawaiian Home Lands Wrongfully Taken or Recover Compensation for Use of Those Lands:

The term "unauthorized transfers" refers to the use of Governor's Executive Orders and Proclamations to set aside Hawaiian home lands for various public purposes.

The status report of Governor's Executive Orders was contained in testimony of August 8, 1989, presented by the Department of Hawaiian Home Lands to the Congressional Committees. The relevant portions of that testimony are as follows:

Task Force Recommendation #54:

The Governor of the State of Hawaii should revoke all known executive orders covering Hawaiian Home Lands within sixty days of the date of this report.

DHHL Response:

In December 1984, the Governor cancelled or withdrew nineteen Executive Orders involving approximately 11,316.756 acres of Hawaiian home lands. Four Executive Orders involving approximately 1,409.9 acres of Hawaiian home lands used by federal agencies were not cancelled.

Task Force Recommendation #55:

Within one year of the date of submission of this report the DHHL should complete an assessment of the lands taken under executive orders to determine whether they are needed for beneficiary uses or can generate revenue. Some lands withdrawn by executive orders, such as airports, do have great potential for generating income and should be retained as Hawaiian home lands under general leases. Lands not needed for beneficiary uses or revenue production should be earmarked for land exchanges.

DHHL Response:

Past use of and compensation for DHHL's airport lands previously taken by Executive Orders have been resolved by way of a land exchange made effective on April 23, 1986, and since approved by the Secretary of the Interior.

Due to the ensuing rental reopenings for a majority of the leases in the area that became Hawaiian home lands in the exchange, the current annual rentals for the leases exceed by $386,000 (rounded) the effective annual rentals for the airport lands conveyed on the date of the land exchange.

DHHL's work plan to achieve resolution of the use of other Hawaiian home lands taken by Executive Orders includes conducting planning assessments to determine whether the lands are useful for beneficiary or other uses, as well as general timeframes for development and use. This information would be necessary to determine whether these lands should be retained by DHHL, exchanged for other lands, or be disposed of by lease or license for appropriate levels of compensation. Planning assessments have not been completed as the priority for allocation of resources has been focused on homestead leasing and construction of infrastructure improvements.

The current approved DHHL budget includes funds for new development plans and for updating existing development plans for Hawaiian home lands that were previously set aside by Executive Orders and Proclamations.

It is significant to note that the Department's priority was the rescission of Executive Orders. This was accomplished by the Governor's actions in December 1984.

In most cases, however, the Department must complete the process so that lawful conveyances for use of Hawaiian home lands formerly under Executive Orders can be executed and compensation issues resolved. This is a priority for action in the coming year.

Task Force Recommendation #58:

The Governor and the DHHL should establish a deadline of two years from the date of submission of this report to resolve other executive order uses by public agencies. If reasonable progress in resolving this problem has not been achieved within one year, the Department of the Interior should request the Department of Justice to initiate appropriate litigation.

DHHL Response:

There are a number of problem areas that require further attention before lands formerly under Executive Orders can be resolved completely. These problem areas involve the following:

Future Uses -- As discussed earlier, planning assessments to evaluate future uses for certain areas need to be completed. The planning assessments determine future land uses and the timeframe for development of these lands. This is important to ascertain whether lands should be conveyed for long-term use until development and use by DHHL is feasible, or should be exchanged if lands are not useful or beneficial for DHHL purposes.

Level of Benefit -- The Hawaiian Homes Commission Act and DHHL Rules provide that licenses may be issued for public purposes and that, should the public purpose be of benefit to DHHL or its beneficiaries, compensation may be nominal. If there is no benefit, compensation is determined by appraisal and based on fair market value. Certain uses are of benefit and others of no benefit. Most uses, however, offer a certain level or degree of benefit to DHHL or its beneficiaries. There is a need to develop a basis for policy and guidelines for acceptance by the Hawaiian Homes Commission to determine level of benefit (and level of Compensation).

Past Compensation -- In certain cases, other agencies undertook management of Hawaiian home lands without benefit to or for the purposes of the Hawaiian home lands program. In other instances, agencies took the land and constructed facilities with some benefits for the homestead community. The facilities and services were viewed as beneficial and desirable at the time. While the method of conveyance (e.g., Executive Order) was illegal, the use may have been beneficial. Related issues involve the level of benefit and level of compensation due. DHHL is currently negotiating the recovery of compensation for unauthorized land transfers.

The status report on Governor's Proclamations was contained in testimony of August 8, 1989, presented by the Department of Hawaiian Home Lands to the Congressional Committees. The relevant portions of that testimony are as follows:

Task Force Recommendation #59:

Within 60 days of the date of submission of this report the Governor of the State of Hawaii should revoke all governor's proclamations which place Hawaiian home lands in forest reserve status and the DHHL should enter into appropriate instruments of conveyance with the Department of Land and Natural Resources to allow its Division of Forestry to continue to manage these lands until their value can be assessed.

DHHL Response:

In December 1984, the Governor withdrew eight proclamations involving approximately 16,518.87 acres of Hawaiian home lands.

Task Force Recommendation #60:

Within one year of the date of submission of this report the DHHL should complete an assessment of its forest reserve lands on a tract by tract basis to determine whether the lands are suitable for beneficiary use, such as homesteading, income production or traditional native rights activities, or whether the lands have valuable surface or subsurface resources.

DHHL Response:

DHHL's work plan to achieve resolution of the use of Hawaiian home lands taken by proclamations includes conducting planning assessments to determine whether the lands are useful for beneficiary or other uses, as well as general timeframes for development and use. This information would be necessary to determine whether these lands should be retained by DHHL, exchanged for other lands, or be disposed of by lease or license for appropriate levels of compensation. Planning assessments have not been completed as the priority for allocation of resources has been focused on homestead leasing and construction of infrastructure improvements.

Task Force Recommendation #61:

The Governor and the DHHL should establish a deadline of two years to resolve the matter of governor's proclamations for forest reserves on Hawaiian home lands.

DHHL Response:

See response to Recommendation #58. Exhibit "C" contains a list of lands formerly under Governor's Proclamations and the current status of these.

Task Force Recommendation #62:

If Hawaiian home lands in forest reserve status are of little value to the beneficiaries or are assessed to have little revenue-producing potential, such lands should be exchanged for other public or private lands which could be put to use for the beneficiaries.

DHHL Response:

See response to Recommendation #55. In addition, it is noted that the exchange of Hawaiian home lands in forest reserve (conservation) status will likely yield a very low land value, and consequently, much smaller acreages (of high per-acre value). For example, an internal review of a possible land exchange of Hawaiian home lands in the Kahikinui Forest Reserve on Maui for State agricultural lands in Hana, Maui, resulted in a 40-to-1 land value ratio. In other words, based on a value-for-value exchange, for every 40 acres exchanged, DHHL would have acquired one acre of agricultural land.

It is significant to note that the Department's priority was the rescission of Proclamations which unlawfully set aside Hawaiian home lands. This was accomplished by the Governor's actions in December 1984.

In most cases, however, the Department has not completed the process in that lawful conveyances for use of these Hawaiian home lands formerly under Proclamations for forest reserves, approximately 16,518.87 acres, have not been executed and compensation issues have not been resolved. This is a priority for action in the coming year.

12. Regarding the Committees' Request for a Status Report on Federal-State Task Force Recommendation #67 - Rescinding General Leases Issued for Nominal Consideration:

Of the six general leases issued for nominal compensation identified in the Federal-State Task Force report, two have been resolved, one was found not to involve Hawaiian home lands, and three issued to federal agencies have not been resolved. Resolution requires federal assistance. The general leases are listed in Exhibit "D."

13. Regarding the Committees' Request for a Status Report on Federal-State Task Force Recommendation #70 - Licenses Issued for Nominal Rental:

The status report on licenses was contained in testimony of August 8, 1989, presented by the Department of Hawaiian Home Lands to the Congressional Committees. The relevant portions of that testimony are as follows:

Task Force Recommendation #69:

The DHHL should allow licenses which primarily benefit the trust or the beneficiary to be issued for nominal compensation. The DHHL should require fair compensation for licenses which primarily benefit non-beneficiaries or the general public.

DHHL Response:

The Hawaiian Homes Commission Act and DHHL Rules provide that licenses may be issued for public purposes and that, should the public purpose be of benefit to DHHL or its beneficiaries, compensation may be nominal. If there is no benefit, compensation is determined by appraisal and based on fair market value. Certain uses are of benefit and others of no benefit. Most uses, however, offer a certain level or degree of benefit to DHHL or its beneficiaries. There is a need to develop a basis for policy and guidelines for acceptance by the Hawaiian Homes Commission to determine level of benefit.

Of the thirteen licenses issued for nominal compensation identified in the Federal-State Task Force report, five have been resolved and eight are outstanding.

14. Regarding the Committees' Request for a Status Report on Federal-State Task Force Recommendation #88 - Compensation for Improper Past Use of Hawaiian Home Lands:

The status report on past compensation issues were contained in testimony of August 8, 1989, presented by the Department of Hawaiian Home Lands to the Congressional Committees. The relevant portions of that testimony are as follows:

Task Force Recommendation #88:

The DHHL should seek possession or compensation, in money, land, services, treasury credits or other appropriate methods, as soon as possible for all lands for which it claims are unlawfully used by other agencies or individuals.

And Task Force Recommendation #89:

If the DHHL is forced to initiate a lawsuit, it should make claims for wrongful back use, but should place its priority on resolving present uses and compensation problems.

And Task Force Recommendation #90:

The DHHL and native Hawaiians should seek effective remedies for past abuses of Hawaiian home lands from the State and/or Federal governments. Litigation should be pursued only as a last resort.

DHHL Response:

It is clear that certain land transfers were unauthorized. The uses to which the lands involved in such transfers were put may have been permissible. In resolving the issue of unauthorized land transfers, the Governor rescinded unlawful transfers soon after the Federal-State Task Force report. Use of Hawaiian home lands for airports was settled in 1986. That settlement included the recovery of compensation for past use. The DHHL is currently negotiating the recovery of compensation for other unauthorized land transfers.

There remain unresolved unauthorized land transfers that require action by the federal government.

Task Force Recommendation #92:

The DHHL should not waive claims to back compensation for wrongful past use. If such claims cannot be settled, all public agencies involved should settle on-going use problems, but the DHHL should expressly reserve the right to prosecute or defend claims for back use in the future.

DHHL Response:

This was the approach taken, for example, with regards to Executive Orders and Proclamations. In certain cases, other agencies undertook management of Hawaiian home lands and constructed facilities with the encouragement of the homestead community and authorization of the Hawaiian Homes Commission. The facilities and services were viewed as beneficial and desirable at the time. The prevailing Attorney General opinion during the territorial period up to 1975 upheld the use of Executive Orders and Proclamations. While the method of conveyance was illegal, the use was viewed as beneficial. Issues that need to be addressed are the approach to be used to ascertain the levels and types of benefits received by DHHL or its beneficiaries, and appropriate adjustments to the levels and types of past compensation due; the date from which past compensation should accrue and the basis for the transfer of land and the approach to be used currently. DHHL has not waived claims to back compensation for unauthorized land transfers. In fact, DHHL is negotiating back compensation.

15. Regarding the Committees' Request for a Status Report on Federal-State Task Force Recommendation #99 - Policies and Rules Acknowledging Traditional and Cultural Rights of Native Hawaiians:

The status report on traditional and cultural rights issues was contained in testimony of August 10, 1989, on "Cultural Rights and Concerns" presented by the Department of Hawaiian Home Lands to the Congressional Committees. The relevant portions of that testimony are as follows:

Cultural Resources: The Hawaiian Homes Commission has adopted a policy of compliance with existing state historic preservation requirements.

Archaeological/Historical Sites: The department maintains an inventory of archaeological sites found on its lands. Many of the larger, relatively undeveloped tracts have yet to have extensive archaeological surveys completed. Other areas or portions of areas have had extensive work done.

Archaeological surveys are done prior to developing engineering designs for homestead lots. Prior to 1988, most archaeological work on Hawaiian home lands was done by contract archaeologists. More recently, the department has executed an agreement with the State Department of Land and Natural Resources to conduct archaelolgical surveys, through its Historic Sites Division, on Hawaiian home lands.

Artifacts: The Hawaiian Homes Commission considers artifacts found on Hawaiian home lands as assets of the trust. This year, the department is embarking on a project to identify artifacts gathered since 1921, which are in museums and other private and public collections. A proper accounting of the trust assets needs to be done.

Burials: The Hawaiian Homes Commission has adopted a policy of leaving skeletal remains where they lie, if at all possible, when developing new areas for homesteading. If, in the homestead development process, designs cannot be altered to accommodate burial areas, the department attempts to follow guidelines suggested by the Office of Hawaiian Affairs for the treament of burials and burial removals.

Access: Proper access is guaranteed to all of Hawaii's native Hawaiian residents in the State Constitution. The policy of the Hawaiian Homes Commission is to allow access to significant archaeological and historical sites, especially if such visitations are for religious purposes. Access in Hawaiian home lands areas is also provided to coastal areas and to mountain forests along recognized trails. The department is coordinating access with the State Department of Land and Natural Resources, which has a program for developing and maintaining a statewide trail and access system entitled "Na Ala Hele."

16. Regarding the Committees' Request for a Status Report on Federal-State Task Force Recommendation #102 - Identifying Mineral and Natural Resources on Hawaiian Home Lands:

The identification of natural resources on Hawaiian home lands is conducted as part of the department's planning process. Detailed information on the location and extent of mineral resources is not known.

For area information, refer to "Fact Sheets" contained in the testimony of August 7, 1989, presented by the Department of Hawaiian Home Lands to the Congressional Committees.

17. Regarding the Committees' Request for a Response on the Blood Quantum Issue:

In its testimony before the U.S. Senate Committee on Energy and Natural Resources on April 16, 1984, the Hawaiian Homes Commission took a position strongly opposing any revision to the native Hawaiian definition in the Hawaiian Homes Commission Act. This position has not changed.

The basis for this decision by the Hawaiian Homes Commission in 1984 has remained the same. These considerations included the following:

a. The Hawaiian Homes Commission has a fiduciary responsibility as trustee to protect the rights and interests of native Hawaiians as defined in the Act. This includes the duty of loyalty to administer the trust solely in the interest of the beneficiary.

b. The trust is intended to serve present and future generations of native Hawaiians. In other words, it is a perpetual trust. There is an unknown number of native Hawaiians who have not yet applied and who have not received benefits from the trust.

c. The trust has a responsibility to meet current demands. Any amendment to the current native Hawaiian definition in the Act would, in effect, more than triple the size of the beneficiary group. With current demands, limited financial resources, and limited developable lands in proximity to employment and infrastructure, there is no justification to expand the beneficiary group.

d. Aside from homesteading, the trust includes responsibilities to provide socio-economic benefits to native Hawaiians as defined in the Act. Trust assets may be used for native Hawaiian advancement in a number of ways and forms. There are many needs aside from homesteading which trust assets can be used for. With current demands and the prospect of providing a wider range of benefits, there is no justification to expand the beneficiary group.

e. The issue is not the definition of native Hawaiian, but rather, that Hawaiians not eligible under the Act have needs that require resources. It is proper for the federal government to respond appropriately--not by revising the Hawaiian Homes Commission Act, but by providing federal resources to all Hawaiians.

f. Revisions to the Act are formulated solely on the basis of its benefits to native Hawaiians. For example, the "Successorship Bill" underwent six years of scrutiny and revision. It was approved because of native Hawaiian concern for their survivors who were not able to succeed to their lease. There was a need to provide continuity for families to build for future generations on their homesteads. Any effort to revise the Hawaiian Homes Commission Act must undergo a complete review process to assure that trust standards are followed, beneficiary rights and interests are protected, and final approved amendments to the Act are sound and supported by those most affected.

18. Regarding the Committees' Request for Information on the Number of Third Party Agreements and Use of the Lands:

There are a total of sixty-one (61) approved third party agreements statewide as follows:

Area	Number of Agreements	Acres	Uses
West Hawaii	10	2,183	Pasture
East Hawaii	15	124	Truck Crops & Orchards
Kauai	1	3	Truck Crops
Molokai	35	816	Truck Crops & Melons
Total	61	3,126	

19. Regarding the Testimony Presented by Mrs. Billie Beamer on August 7, 1989, at the Oahu Hearing, Regarding $15 Million in Funds Lapsing in Fiscal Years 1982-1986:

A total of $8,039,843.15 in capital improvement funds appropriated to the Department of Hawaiian Home Lands lapsed between June 30, 1982, and June 30, 1988. Of this total:

$3.5 million lapsed due to expenditure ceilings placed due to State debt ceiling impacts; and

$0.99 million lapsed due to bid selections which were lower than estimated project amounts.

Additional research is required to determine the reasons for lapsing the remaining $3.48 million.

20. Regarding the Testimony Presented by Mrs. Nona Freitas on August 7, 1989, at the Oahu Hearing, Regarding the Qualifications of Department Staff:

Permanent staff positions at the department are filled in accordance with civil service and merit procedures. After appropriate advertising, screening, and ranking processes, names of eligibles are provided to the department by the State Department of Personnel Services. Exempt positions are filled on the basis of merit. Resumes are reviewed to ensure that eligibles meet qualifications and skills necessary for the positions.

All positions are subject to an interview panel process in which eligibles are interviewed and scored according to predetermined criteria. Scores are compiled and ranked; panel comments and reference verifications are considered in an overall scoring process. The highest scoring eligible is recommended for hiring by the Chairman.

21. Regarding the Testimony by Mr. Rod Burgess on August 8, 1989, at the Kauai Hearing, as to the Department's Sensitivity to the Community, Specifically on the Hilo Irradiation Plant and Waimanalo Evictions Matters:

The Hawaiian Homes Commission and the department have opportunities in place for regular meetings with the community and has staff located on each island where homestead communities are located. Input from the community is incorporated into the decision-making process. Decisions are based on these and other considerations including trust responsibilities, legal requirements, the interests of the trust and beneficiary group overall, and present and future implications.

With regard to the proposed Hilo Irradiation Plant, the Department of Business and Economic Development conducted alternative site studies and a preliminary environmental assessment prior to formulating recommendations on the feasibility and implications of an irradiation plant in the Hilo area. One site considered was located on Hawaiian home lands. The Department of Hawaiian Home Lands acknowledged that one of its land parcels was being reviewed and stated that it had no objections at this preliminary stage. The Department made it clear that this was not a commitment to put its land to this use and that any decision on land dispositions was the responsibility of the Hawaiian Homes Commission.

With regard to the Waimanalo evictions, it is our understanding that this refers to the eviction of an individual from a homestead lot who was not eligible to succeed to the lease. The individual was provided with 3-1/2 years to provide evidence of native Hawaiian status and failed to do so. Further, this situation involved a lengthy legal process, including court appeals. The court upheld the position of the Hawaiian Homes Commission. During the eviction process, it was noted that the individual may have possessed firearms in the homestead home. Consequently, it was determined by the Honolulu Police Department that a special team be brought to the site as a precaution to protect its officers and surrounding residents.

22. Regarding the Testimony Presented by Ms. Lovie Apana on August 8, 1989, at the Kauai Hearing, Regarding an Elderly Native Hawaiian Who Was Refused A Loan Because She Was 80 Years Old:

The Department contacted Ms. Apana for more information and discussed this matter with the elderly native Hawaiian woman referred to in the testimony. The statement presented in the testimony was not accurate.

According to the elderly native Hawaiian woman, she did not apply for a loan because she felt she would be too old to qualify. The department informed her that a loan denial based on age was discriminatory and illegal and that she should contact the department if assistance was needed.

23. Additional Comment on Testimonies Presented by Mr. Stephen Duncan, Jr. and Mrs. Winnie Cummings on August 8, 1989, at the Kauai Hearing, Regarding the Problem of Persons Living on the Anahola Beach Park:

Persons living on the Anahola Beach Park have no authorization from the department to be there. Their presence on the beach park has caused problems for residents in the Anahola area, including homesteaders, who use the facility for recreation. The department has received numerous complaints from residents who do not feel that the beach park is available to them. Persons living on the beach park, on the other hand, include those who are unable to afford housing, are unemployed, or who claim to have the right to live there because they are native Hawaiian. The situation is complicated by the pending Aki vs. Beamer lawsuit, Civil No. 76-0144. The department intends to explore resources available to assist those living on the beach park to find affordable housing elsewhere.

24. Regarding the Testimony Presented by Mr. Herbert Kauahi on August 8, 1989, at the Kauai Hearing, on Various Matters:

Regarding his statement of not being included in the formulation of the Anahola Development Plan and Waimanalo Management Plan: The formulation of both plans included a variety of mechanisms to solicit native Hawaiian input, an important factor in formulation and eventual acceptance of department plans.

For example, the Anahola Development Plan involved eleven Advisory Committee meetings and four community meetings over a one year period and two Hawaiian Homes Commission meetings where the plan was discussed.

The Waimanalo Plan involved fourteen advisory committee and community meetings over a five month period and one Hawaiian Homes Commission meeting. The Waimanalo Management Plan involved a survey of eleven community leaders and 221 homestead households (one-half of total households) in Waimanalo, as well as four community meetings.

There was, and continues to be, ample opportunites for native Hawaiian discussion and input into department development planning processes. Mr. Kauahi and many other native Hawaiians participated actively in these processes.

Regarding his statement that awarded lots in the Anahola Village Park were taken away and that millions of dollars were expended and then taken away: The Anahola Village Park area was suveyed and staked for homestead residential purposes and these lots were selected by native Hawaiians. It was discovered that the land title was not clear when evidence was produced that the land was not Hawaiian home lands. Those who had selected lots were not homestead lessees in that homestead leases had not been executed at that time. These selectees were offered the choice of selecting other residential homestead lots in Anahola or returning to the applications list based on date of application. The only funds expended were for surveying and staking, not millions of dollars for infrastructure.

Regarding his statement that Waimanalo homestead lessees do not have to tie in to the Waimanalo Sewer System: The Waimanalo Sewer System project was undertaken because the growing population there, dependent on cesspools for sewage disposal, would cause underground and offshore water quality problems. In order to expand the homestead community at Waimanalo, a sewer system had to be installed. Furthermore, the department has received complaints due to cesspool failures caused by heavy clay soils in Waimanalo. Finally, the Department initiated the sewerage system at the request of the Waimanalo homestead community.

25. Regarding the Testimony Presented by Ms. Marjorie Taufamatua on August 8, 1989, at the Kauai Hearing, as to Whether the Department of Hawaiian Home Lands Is Involved With Japanese Investors and JMB Realty (Amfac) on New Development Projects at Anahola:

The Department of Hawaiian Home Lands has no knowledge of and is not involved with any Japanese investors and JMB Realty (Amfac) on new development projects in the Anahola, Kauai area.

26. Regarding the Testimony Presented by Ms. Cynthia Kaiminaauao on August 8, 1989, at the Kauai Hearing, as to a Violation of the Hawaiian Homes Trust Because Counties Are Receiving Tax Revenues:

Pursuant to Section 208(7) of the Hawaiian Homes Commission Act:

> The lessee shall pay all taxes assessed upon the tract and improvements thereon. The department may pay such taxes and have lien therefor as provided by section 216 of this Act.

Real property taxes are assessed by and paid to the county governments. In return, the counties provide basic county services such as fire and police protection, trash and sewer collection, water, infrastructure maintenance, local parks and recreation services.

27. Regarding the Testimony Presented by Ms. Colette Machado on August 9, 1989, at the Molokai Hearing, that General Leases Do Not Benefit the Department of Hawaiian Home Lands in that They Do Not Result In More Leases to Native Hawaiians:

Section 204 of the Hawaiian Homes Commission Act authorizes the department to general lease its lands not required for homestead purposes. These revenues are deposited into the Hawaiian Home Administration account in accordance with Section 213(b)(2). These revenues provided the means by which the department could operate since these monies were earmarked (at least since 1943) for salaries and administrative expenses of the department. The Act also authorizes the department to transfer excess revenues to the Hawaiian Home Development Fund for off-site improvements and development to serve present and future occupants of Hawaiian home lands. There is a direct relationship between the amount of revenues generated by general leases and the level of services, off-site improvements, and development projects which are undertaken.

Is is significant to note that the Legislature in 1989 approved the department's request and appropriated $6.65 million in state general funds for department permanent civil service staff and other operating costs in Fiscal Biennium 1989-1991. The state general fund appropriation covers 42% of total department operating (non-CIP) costs. This reduces the need for the department to use its general lease revenues for operating costs, and instead, channel a portion of these revenues to direct benefits for native Hawaiians.

Another consideration is the need for the department to have a steady, reliable source of revenues for homestead development. The history of funds provided to the department from its inception demonstrates the problem of a lack of funds and fluctuations in funds from year to year. The income stream provided by general leases is a fairly steady and reliable source of revenues which the Hawaiian Homes Commission could use on a cash basis or to obtain funds, for example, through revenue bonds, for its homestead projects.

As pointed out in Testimony on Economic Development presented by the Department on August 11, 1989, the 1975 Hawaiian Home Lands General Plan outlined a policy direction for general leasing. The General Plan stated that the most likely opportunities for significant income could be secured by focusing on commercial and industrial general leases, and that income needs could be met using only a small fraction of Hawaiian home lands. In 1975, 26.5 percent (or $257,825) of general lease and revocable permit revenues were derived from commercial and industrial uses. By 1988, 78 percent (or $2,063,994) of general lease and revocable permit revenues were derived from commercial and industrial uses. These revenues are derived from less than 250 acres of land. The potential exists to derive a substantial increase in commercial and industrial general lease revenues from a very small portion of Hawaiian home lands, thereby providing a steady source of revenues for development of more homestead communities and improvements.

As important as the foregoing considerations is the fact that the Hawaiian Homes Commission and department are responsible for the management and disposition of approximately 187,419 acres of Hawaiian home lands statewide. In the management of these lands, considerations include present and future demands for homesteading, existing programs for the planning, design, and ultimate construction of off- and on-site improvements. Lands not immediately needed for homesteading purposes cannot be left idle and nonproductive. As lands are needed for homesteading purposes, lands can be withdrawn from the operation of the general lease since each contains a reservation clause authorizing the Hawaiian Homes Commission to withdraw lands for homesteading purposes.

There are a number of examples where the Hawaiian Homes Commission exercised its right to withdraw lands from general leases in order to make lands available for homestead uses. Expansion of homestead communities at Waianae and Nanakuli, Oahu, Anahola on Kauai, and Waiehu-Kou on Maui were accomplished this way. There are several more recent examples. In 1985, the Hawaiian Homes Commission withdrew 1,003 acres from General Lease No. 133 to make residential and agricultural homestead leases available in Kula, Maui. 560 acres were withdrawn from General Lease No. 184 in 1986 for residential homestead leases at Kawaihae, Hawaii. A total of 3,711.47 acres were withdrawn from Revocable Permit No. 8 to provide agricultural and pastoral homestead leases in 1985 and late 1989 in Puukapu, Hawaii.

Historically, the major obstacle to homestead development has been the lack of financial resources, not a lack of land. The use of a portion of Hawaiian home lands not needed for homesteading enables the department to generate much-needed revenues, to sustain a steady income stream, and to make its lands productive in keeping with trust principles. The general leasing program, in addition, provides opportunites for employment, commercial and professional services, and native Hawaiian businesses near to homestead communities.

28. Regarding the Testimony Presented by Ms. Noelani Joy and Mr. Martin Kahae on August 9, 1989, at the Molokai Hearing, that Third Party Agreements Are An Illegal Use of Homestead Lands:

The discussion on third party agreements was contained in testimony of August 9, 1989, on "Leasing Policies" presented by the Department of Hawaiian Home Lands to the Congressional Committees. The relevant portions of that testimony are as follows:

Third party agreements include a multitude of agreements between lessees and others. The Hawaiian Homes Commission Act, as amended, under Section 208 (5) and the department's Administrative Rules under Section 10-3-35, relate to third party agreements. Provisions under the Hawaiian Homes Commission Act and the department's Administrative Rules allow for third party agreements, provided the agreements meet certain requirements.

Third party agreements were initiated in 1926 on the island of Molokai between Libby, McNeill and Libby and fifty-seven Hawaiian Home Lands lessees on 565 acres of agriculture homestead land. In 1952, similar types of agreements were initiated in Waimea, island of Hawaii, as grazing agreements. These agreements have been scrutinized by territorial attorneys general and the U.S. Congress in prior years and deemed ~~legal under~~ stringent conditions, including approval by the commission ("Legal Aspects of the Hawaiian Homes Program," State Legislative Reference Bureau, 1964, p. 16).

In 1964, the Hawaii Legislative Reference Bureau published a report entitled "Legal Aspects of the Hawaiian Homes Program;" portions relating to subleasing, grazing, and planting agreements are attached as Exhibit "E." Although the publication is over 20 years old, it provides historical reference for this issue. A copy of a March 29, 1955, Attorney General's opinion on this issue has also been attached as Exhibit "E." In-depth reports developed in 1960 by the department which discuss the history of planting agreements on Molokai and the Kealoha case referred to in Exhibit "E," including the court decision, are also included.

Based on these historical opinions and decisions, grazing agreements and planting agreements are allowed under existing statutes and rules where the agreements do not:

1. Prevent, or in any way interfere with, the continued exclusive occupancy of the entire homestead by the homesteader;

2. Preclude self-employment by the homesteader on his or her homestead;

3. Contain terms and conditions so oppressive in nature as to mitigate against the "rehabilitation" of the homesteader; or,

4. Occasion a transfer, pledge, mortgage, holding for benefit of or other disposition, directly or indirectly, of an interest in the homestead to a non-native Hawaiian; and,

Moreover, the agreement must limit the third party's interest to an interest in sales of the existing crop at any given time and does not extend to future crops.

In December 1986, the department made a detailed presentation on third party agreements to the commission.

The purpose was to determine if any changes in policies, rules, and statutes should be initated or implemented. After full and complete discussion, the commission decided to maintain the status quo.

In June 1987, at a community meeting held at Hoolehua Molokai, the subject of third party agreements was discussed. The department reviewed all of the concerns and concluded that third party agreements may not be the issue on Molokai and that perhaps market access and transportation, among other concerns, may be the problem of the Molokai farmers.

The department is currently planning to notify all agricultural and pastoral lessees of the restriction against subletting and of the requirement to obtain commission approval for all third party agreements. The department will also provide lessees with guidelines and procedures to follow when submitting third party agreements to the Hawaiian Homes Commission for approval.

29. Regarding the Testimony Presented by Mr. Walter Ragsdale on August 9, 1989, at the Molokai Hearing, that the Department of Hawaiian Home Lands Is Not Sensitive to Archaeological and Historical Preservation Concerns:

The discussion on archaeological and historical preservation was contained in testimony of August 10, 1989, on "Cultural Rights and Concerns" presented by the Department of Hawaiian Home Lands to the Congressional Committees. The relevant portions of that testimony are as follows:

The Hawaiian Homes Commission Act of 1920 is silent on treatment of cultural resources and there is only one reference to culture in the entire Act. This occurs in Section 213(a), in defining the use of the Native Hawaiian Rehabilitation Fund that was established by a 1978 amendment to the Hawaii Constitution:

> The Department shall use this money solely for the rehabilitation of native Hawaiians which shall include, but not be limited to, the educational, economic, political, social, and cultural process by which the general welfare and conditions of native Hawaiians are thereby improved and perpetuated. (Emphasis added.)

Despite minimal or no requirements for historical preservation or cultural resource management, the Hawaiian

Homes Commission has adopted a policy of compliance with existing state historic preservation requirements. This policy results from the department's historical focus on and concern with native Hawaiian issues and on its having been founded by a native Hawaiian, for native Hawaiians. In the Hawaiian culture, the past is of value as it gives relevance to the present and guidance for the future.

The Commission considers all cultural resources as important assets of the Hawaiian Home Lands trust; areas of archaeological, historical, or cultural significance need to be preserved and protected. Such areas are incorporated into the department's master planning process; mechanisms of managing such areas are still evolving.

Recently, a curatorship program was begun by the State Department of Land and Natural Resources (DLNR). The Department of Hawaiian Home Lands is presently working with DLNR and the United State Coast Guard in developing a curator agreement with a Hawaiian group in Kau, Hawaii, for specific Hawaiian home lands sites at Kamaoa-Puueo on the island of Hawaii.

Archaeological/Historical Sites:

The department maintains an inventory of archaeological sites found on its lands. Many of the larger, relatively undeveloped tracts such as Waimea on Kauai, portions of lands at Kalamaula, Kamiloloa, and Makakupaia on Molokai, portions of Kula and most of Kahikinui on Maui, and portions of Keaukaha, Makuu, Puueo, Kamaoa, and Humuula on Hawaii have yet to have extensive archaeological surveys completed. Other areas or portions of areas have had extensive work done.

Archaeological surveys are done prior to developing engineering designs for homestead lots. Prior to 1988, most archaeological work on Hawaiian home lands was done by contract archaeologists. More recently, the department has executed an agreement with the State Department of Land and Natural Resources to conduct archaeological surveys, through its Historic Sites Division, on Hawaiian Home Lands. Current efforts are focused on Nanakuli Valley on Oahu which has had little or no previous archaeological work done. Additional work is planned for Waimanalo, Waianae, and Lualualei on Oahu.

Today, there are nine sites on Hawaiian home lands that are on the State and Federal Registers of Historic

Places. In addition, two areas have been designated as National Historic Landmarks. (See Exhibit F: Hawaiian Home Lands Sites on the State and Federal Register of Historic Sites.)

Besides archaeological sites, there are a few sites on Hawaiian home lands from Hawaii's "historic" period. The "historic" period in Hawaii is defined as that period subsequent to the arrival of Captain James Cook in 1778. Historic churches are located in Kalamaula on Molokai and a number of structures built in the 1880s dot the landscape at Humuula and Piihonua. Most are constructed of koa wood and are reminiscent of times past when the area was a sheep station. Both the churches and the sheep station buildings are important remnants of the history and culture of their respective areas.

Perhaps the most famous historic place on Hawaiian home lands is Kalaupapa on Molokai. This settlement was the former Hansen's Disease treatment center for the Kingdom, the Republic, and the Territory. The Commission is negotiating a long-term lease for Kalaupapa with the National Park Service since that community has been designated as a National Historic Landmark.

Besides actual archaeological and historical sites, there is a third type of area or location on Hawaiian home lands which is important, not because of any remaining evidence of human use or occupation, but rather because of legendary record. A number of areas, such as Panaewa and Ka Lae on the island of Hawaii, are significant examples.

30. Regarding the Testimony Presented by Ms. Yola Forbes on August 9, 1989, at the Molokai Hearing, that the Department of Hawaiian Home Lands Has Failed to Honor the Waiting List by Allowing the Transfer of Homestead Leases With Compensation:

The discussion on homestead lease transfers was contained in testimony of August 9, 1989, on "Leasing Policies" presented by the Department of Hawaiian Home Lands to the Congressional Committees. The relevant portions of that testimony are as follows.

The Hawaiian Homes Commission Act and Title 10 of the department's Administrative Rules allow for the transfer of a leasehold interest from a lessee to another native Hawaiian. The following conditions apply: the transferee must be native-Hawaiian, at lease 18 years of age, and must immediately occupy the residence lot or use, or cultivate, the agricultural or pastoral lot. The Act and Administrative Rules also require that the transferee qualify financially to assume any outstanding indebtedness owed the department by the present lessee. Commission approval is required to finalize transfers of leasehold interest. Whether consideration is exchanged is a matter between the lessee and the proposed transferee.

31. Regarding the Testimony Presented by Ms. Genevieve Clubb on August 10, 1989, at the Maui Hearing, that Acting Administrators at the Department of Hawaiian Home Lands Are Not Qualified:

The Department acknowledges that its senior management staff is serving in a temporary capacity. Staff has been appointed to serve in a temporary capacity until plans for departmental reorganization can be submitted for review and approval. Although serving in a temporary capacity, the senior management staff possesses the knowledge and skills necessary to maintain departmental operations.

32. Regarding the Testimony Presented by Mr. Dennis Ichikawa on August 10, 1989, at the Maui Hearing, on Real Property Tax Assessments:

At the Molokai hearing on August 9, 1989, the statement was made by an unidentified person that a residential homestead lot was reassessed for real property tax purposes after the Molokai Shores condominium was completed and that the homesteader's property taxes increased from $100 per year to $1,000 per year.

The Department of Hawaiian Home Lands has discussed this matter with the Real Property Tax Assessment Department, County of Maui. Our examination of homestead lots near the Molokai Shores condominium and Hotel Molokai did not produce any evidence of extraordinary increases in real property tax assessments. For example, two pasture homestead lessees in the vicinity of the Molokai Shores condominium have property tax liabilities of under $100.00 per parcel per year.

33. Regarding the Testimony Presented by Ms. Moani Akaka on August 11, 1989, at the Hawaii Hearing, that There Are General Leases at Kamaoa-Puueo, Hawaii:

There is one general lease at Kamaoa-Puueo, island of Hawaii, to the Department of Transportation, State of Hawaii, encumbering 4.50 acres of Hawaiian home lands for the Kaulana Bay boat launching facility. There are no other general leases at Kamaoa-Puueo, island of Hawaii.

34. Regarding the Testimony Presented by Ms. Mililani Trask on August 11, 1989, at the Hawaii Hearing, that the Present Lending Restriction for Hawaiian Home Loans is $50,000:

Act 28, Session Laws of Hawaii 1989, amended Sections 214(b) and 215 of the Hawaiian Homes Commission Act by removing the $50,000 maximum for home loans. The law now provides that home loans made to homestead lessees shall not exceed fifty percent of the maximum single residence loan amount authorized in Hawaii by the U. S. Department of Housing and Urban Development's Federal Housing Administration (FHA) program. The FHA loan maximum currently is $151,850; therefore, the Department of Hawaiian Home Lands loan maximum is $75,925. This loan maximum is for home construction only. Infrastructure improvement costs are borne by the State of Hawaii and land leashold costs are one dollar per year.

35. Regarding the Testimony Presented by Mrs. Linda Dela Cruz on August 11, 1989, at the Hawaii Hearing, that the Department of Hawaiian Home Lands Owns Kawaihae Harbor:

Kawaihae Harbor is located on public lands under the jurisdiction of the Department of Transportation and is not Hawaiian home lands. The Department of Hawaiian Home Lands has jurisdiction over approximately 10,142.874 acres of land at Kawaihae, island of Hawaii, adjacent to (but not including) Kawaihae Harbor.

36. Regarding the Testimony Presented by Mrs. Ethel Andrade on August 11, 1989, at the Hawaii Hearing, that Water on Hawaiian Home Lands at Puukapu, Hawaii, Was Turned Over to the County and that the Water in the Hamakua Ditch Begins on Hawaiian Home Lands:

The source of water for the Hamakua Ditch is not Hawaiian home lands, but rather, watershed lands owned by the State of Hawaii at the headlands of Waipio and Waimanu Valleys, island of Hawaii.

Regarding "water on Hawaiian home lands at Puukapu, island of Hawaii, which were turned over to the County of Hawaii," it is our understanding that Mrs. Andrade was referring to the Waimea-Puukapu Domestic Water System managed by the County of Hawaii. The source of water for this system is watershed lands owned by the State of Hawaii at the headlands of Waipio and Waimanu Valleys and upper Kawaihae Forest Reserve, island of Hawaii. The source of water is not Hawaiian home lands.

Components of this system are located on Hawaiian home lands, such as the Puu Nani Tank Site (10,000 square feet) and booster pumping station (1,918 square feet). The Waikoloa Reservoir Site II (17.188 acres) is part of the South Kohala-Hamakua area water development system also managed by the County of Hawaii and located on Hawaiian home lands. The water system provides domestic water for homesteads at Puukapu, Nienie and Kamoku, as well as non-homestead communities. License No. 234 was issued on January 15, 1988, to the County of Hawaii and covers Hawaiian home lands totaling 18.242 acres where these facilities are located. The compensation received by the department was a total of 108 domestic water commitments for 108 farm and residential homesteads awarded in the department's acceleration program. The water commitments provide the department with water so that it can proceed with subdivision approvals and improvements and new homestead lessees can occupy their lots sooner. Since 1985, water availability in the Waimea area has been limited while the county proceeded to evaluate alternatives to correct existing source problems and implement the required system improvements.

37. Regarding the Testimony Presented by Mrs. Martina Whitehead on August 11, 1989, at the Hawaii Hearing, that General Lease Revenues from Hawaiian Home Lands Go to the State General Fund:

Section 213(b)(2) of the Hawaiian Homes Commission Act requires that receipts from general leases be deposited into the Hawaiian Home Administration Account. The provision reads as follows:

> (2) Hawaiian home administration account. The entire receipts derived from any leasing of the available lands defined in section 204 of this Act and transfers from the Hawaiian home interest fund shall be deposited into this account. Any interest or other earnings arising out of investments from this fund shall be credited to and deposited into this fund. The moneys in this account shall be expended by the department for salaries and all other administration expenses of the department in conformity with general law applicable to all departments of the State, and no sums shall be expended for structures and other permanent improvements. This account shall be subject to the following conditions and requirements:

(A) The department shall, when required by the governor but not later than November 15 preceding each regular session of the legislature, submit to the state director of finance its budget estimates of expenditures for the next fiscal period in the manner required by general law.

(B) The department's budget as approved by the governor shall be included in the governor's budget report and shall be transmitted to the legislature for its approval.

(C) Upon legislative approval of a budget, the amount appropriated shall be made available to the department. If no budget is approved by the legislature prior to its adjournment, sums accruing to this account shall not be expended for any other purpose but shall remain available for future use. Any amount in this account which is in excess of the amount approved by the legislature or made availabe for the fiscal period may be transferred to the Hawaiian home development fund.

38. Regarding the Testimony Presented by Ms. Sherilyn Adams on August 11, 1989, at the Hawaii Hearing, that Her Father, Mr. James Akiona, Should Be First on the Waimea Pastoral Waiting List:

The matter of Mr. James Akiona's place on the Waimea pastoral waiting list is being reviewed. Without the transcripts of the hearing, the Department is unable to address the specific statements made by Ms. Adams.

Generally speaking, this matter involves the 1952 Waimea Pastoral Waiting List and its resolution. Attached is a fact sheet prepared by the Department on the 1952 Waimea Pastoral Waiting List. (Exhibit "G.") It also involves the pastoral homestead guidelines approved by the Hawaiian Homes Commission on December 20, 1988. (Exhibit "H.")

It is noted that every applicant from the 1952 Waimea Pastoral Waiting list that had been reinstated to the current Waimea Area and Hawaii Islandwide Pastoral Waiting Lists were invited, with other applicants, to attend lot orientation meetings held on September 15 and 16, 1989. Letters are to be sent shortly for lot selections by these applicants in October 1989. A total of 166 pasture homstead lots at Puukapu, Hawaii, and 18 pasture homestead lots at Kamaoa, Hawaii, are being offered by the department.

39. Regarding the Testimony of an Unidentified Witness, Refering to a "Management Audit" of Hawaiian Home Lands:

The department utilized the consultant firm of Deloitte, Haskins, and Sells to conduct an organization and operational analysis. The purposes of the organizational analysis were:

a. Analyze the policies, operational practices, procedures, work flow, and organization structure of DHHL to better achieve the mission and goals of DHHL.

b. Recommend revisions to the flow of activities to improve the efficiency and effectiveness of DHHL.

c. Recommend changes in the organization structure of DHHL.

Phase I of the study was completed in April 1989 and work is underway to implement the recommendations.

40. Regarding the Testimony of an Unidentified Witness, Refering to Mr. John Rowe's Position on the Waiting List:

Mr. John Rowe, Deputy Director, Department of Hawaiian Home Lands, authorized release of information on this matter.

Mr. John Rowe applied for and was placed on the Waimanalo Area (Oahu) residential homestead waiting list on March 12, 1963. Mr. Rowe requested to be transferred to and was placed on the Waimea Area (Hawaii) agricultural homestead waiting list on September 26, 1963.

Since his employment at the Department of Hawaiian Home Lands on April 1, 1981, Mr. John Rowe has chosen voluntarily to defer from selecting an agricultural homestead lease in the Waimea area or island of Hawaii.

41. Regarding the Committes' Request for Demographic Information on Waiting List Applicants:

The Department of Hawaiian Home Lands retained a consultant to conduct a demographic survey of applicants for homestead leases in 1984. The survey was conducted prior to the department's homestead acceleration program in 1984-86, and consequently, the survey results are not reflective of currect homestead applicant demographic characteristics. The department can provide copies to the Committees upon request.

Other sources of information used are the 1980 Census, with special tabulations on Hawaiians by Alu Like, Inc., Survey by the Office of Hawaiian Affairs, and periodic special tabulations of the Health Surveillance Surveys by the Department of Health, State of Hawaii. These sources of information are for Hawaiians in general. It is not possible to extract information on native Hawaiians or homestead applicants per se.

The Department of Hawaiian Home Lands has funds in its current approved budget to conduct a demographic survey of its lessee and applicant populations.

ATTACHMENT I

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EXHIBIT "A"

SUMMARY OF CONGRESSIONAL ACTIONS

1) 5/16/34 Added lands situate at Auwaiolimu and Kewalo, Oahu:

Parcel 1	27.0 acres
Parcel 2	30.0 acres
Parcel 3	25.0 + acres (actual 31.60 acres)
	82.0 + Acres (actual 88.60 acres)

2) 8/29/35 Withdrew and restored 204.900 acres situate at Hoolehua-Palaau, Molokai to Territory of Hawaii.

3) 7/10/37 Added lands situate at Keaukaha:

Parcel 1	11.20 acres
Parcel 2	5.26 acres
	16.46 acres

Added 2 additional parcels of lands at Auwaiolimu/Kewalo, Oahu:

Parcel 4	27.910 acres
Parcel 5	4.646 acres
	32.556 acres

4) 11/26/41 Amended course (1) on parcel 1 of lands of Auwaiolimu.

5) 5/31/44 Withdrew and restored a 13.527 acre parcel of Palaau, Apana 2, Molokai to Territory of Hawaii.

Withdrew and restored 4 parcels at Keaukaha to Territory of Hawaii:

Parcel 1	2.155 acres
Parcel 2	33.585 acres
Parcel 3	6.800 acres
Parcel 4	10.849 acres
	53.389 acres

6) 6/ 3/48 Added 12.455 acre parcel at Waiehu (Ili of Kou) situate at Wailuku, Maui.

7) 6/ 3/48 Added 401.423 acres of public lands under sugar-cane cultivation at Anahola to Hawaiian home lands

8) 6/12/48 Withdrew and restored 50 acre parcel situate at Keaukaha, Tract 2, to Territory of Hawaii for use by the Department of Commerce -- condition: if use cease, revert back to available land status.

9) 7/ 9/52 Withdrew and restored Parcel III, 31.60 acres, at Kalawahine, Oahu to Territory of Hawaii

Added two parcels at Auwaiolimu and Kewalo-Uka/Kalawahine:

Parcel VI	33.880 acres
Parcel VII	13.194 acres
	47.074 acres

SUMMARY:	ADDITIONS	598.568 acres
	WITHDRAWALS	353.416 acres
	NET GAIN	245.152 acres
		+ 50.000 acres*
		295.152 acres

* Note: Quitclaim deed dated 1/20/67, USA granted back to State the 50 acres subject to a 1.73 acre 50' wide roadway easement and a 0.12 acre 10' wide overhead power and control cables easement.

1425K

Summary of Land Exchanges (as of March 31, 1987)

Date	Location	Map/ Description	AREA FROM DHHL	Location	Map/ Description	AREA TO DHHL
7-9-56	Puukapu Environ-Kamuela Airport	CSF 12243	756.395 ACS(Net)			
	Pouahi, Parcel P	CSF 12253	0.116 ACS			
	Puukapu, Parcel T, Lots 10 & 11 (Por)	CSF 12251	0.490 ACS			
	Kamoku, Parcel U, Lots 2, 3 & Road	CSF 12252	0.410 ACS			
	Nienie, Parcel W, Lot 17 (Por)	CSF 12250	0.060 ACS	Waikoloa-Waialeale	CSF 12244	1,216.000 ACS, From R. Smart
			757.471 ACS			1,216.000 ACS
11-7-56	Waimanalo: Agricultural Park, Plat 2166 (Gross Area = 3180.00 ACS.)	CSF 12559	561.580 ACS(Net)	Waimanalo	CSF 12443	87.560 ACS, From DLNR
	Kawaihae Residence Lots	CSF 12444	30.885 ACS(Net)	Kakaha House Lots	Map Carton 23	19.952 ACS, From DLNR
			592.465 ACS			107.512 ACS
1-8-63	Waimanalo	CSFs 13526 & 13252	128.088 ACS			
	Auwaiolimu	CSFs 10349 & 11587	0.174 ACS			
	Kapaakea Cemetery Site	CSF 13528	2.766 ACS			
	Kamiloloa Water Tank Site and pipeline easement	CSF 13527	1.275 ACS			
	Panaewa Tract 1	CSF 13529	10.000 ACS			
	Kamoku (Hawaii Belt Road) Parcels 6, 7 & 8	CFSs 13530 to 13532	5.969 ACS			
	Waikoloa (Hawaii Belt Road) Parcel 9	CSF 13533	1.786 ACS			
	Waialeale (Hawaii Belt Road) Parcels 10, 11 & 12	CFSs 13534 to 13536	5.967 ACS			
	Kapulena (Hawaii Belt Road) Parcels 13 & 14	CFSs 13537 to 13538	7.727 ACS	Waimanalo Wailea Street Area	CSF 13550	23.707 ACS, From DLNR
	Puukapu (Hawaii Belt Road) Parcels 3 & 2A	CFSs 13556 & 13586	2.060 ACS	Paukukalo, National Guard Site	CSF 13525	61.040 ACS, From DLNR
			165.812 ACS			84.747 ACS

Summary of Land Exchanges (as of March 31, 1987)

Date	Location	Map/ Description	AREA FROM DHHL	Location	Map/ Description	AREA TO DHHL
1-8-62	Keaukaha Tract 1, Parcel 4A	CSF 13511	1.515 ACS	Panaewa (Adjacent to County Quarry Site)	CSF 13510	1.515 ACS, From DLNR
1-8-62	Keaukaha Tract 1, Parcels 1-A 1-B & 1-C	CSF 13461	151.228 ACS			
	Keaukaha Tract 2, Parcel 4	CSF 13461	41.463 ACS	Panaewa (Adjacent to County Quarry Site)	CSF 13460	192.691 ACS, From DLNR
			192.691 ACS			192.691 ACS
1-8-62	Hoolehua, Land South of Airport	CSF 13659	1,045.000 ACS	Waianae Valley, Waianae	CSF 13642	243.260 ACS, From DLNR
1-18-67	Puukapu	CSF 14127	196.414 ACS			
	Anahola (Kauai Belt Road)	CFSs 13002 to 13008 & 15072 to 15080	8.403 ACS			
	Moloaa (Kauai Belt Road)	CSF 13802	17.246 ACS			
	Keaukaha Sewer Plant	CSF 15083	4.154 ACS			
	Panaewa					
	Kaei Hana 1, Lot 54	CSF 15081	1.983 ACS			
	Kaei Hana 1, Lot 55	CSF 15082	6.002 ACS			
	Kawaihae, 1st Belt Road Parcels 1 to 55	CSF 15084	20.331 ACS			
	Hoolehua, Farrington Ave. Parcels 1 to 29	CSF 15128	13.192 ACS			
	Lualualei, Mailiilii Channel & Tributary	CSF 15007	0.415 ACS	Piihonua	CSF 15004	5,078.000 ACS, From DLNR
			267.551 ACS			5,078.000 ACS

Summary of Land Exchanges (as of March 31, 1987)

Date	Location	Map/ Description	AREA FROM DHHL	Location	Map/ Description	AREA TO DHHL
8-26-85	Waiakea Uka Flood Control Project					
	Parcel G	CSF 20241	3.617 ACS			
	Parcels Q, R & S	CSF 19213	7.224 ACS			
	Parcels T, V-1 & W-1	CSF 19214	9.147 ACS	Waiakea, South Hilo	CSF 20215	54.127 ACS, From DLNR
			19.988 ACS			54.127 ACS
3-25-86	Waimanalo					
	Public School (Blanche Pope)	CSF 18961	2.667 ACS			
	Nanakuli					
	Multi-School Complex	CSF 18184	65.246 ACS			
	Lualualei					
	Comprehensive Health Care Center	CSF 16770	14.352 ACS			
	Mailiilii Channel, Parcel 4	CSF 14600	1.012 ACS			
	Mailiilii Channel	CSFs 16466 & 16467	1.344 ACS	Waianae Kai, Dist. of Waianae	File Plan 1368 Lot 1 to 150	20.119 ACS, From DLNR
			84.621 ACS			20.119 ACS

Summary of Land Exchanges (as of March 31, 1987)

Date	Location	Map/ Description	AREA FROM DHHL	Location	Map/ Description	AREA TO DHHL
4-23-86	General Lyman Field, Hilo					
	AREA 5	TMK 2-1-12 Parcel 22 (Por)	87.667 ACS			
	AREA 6	TMK 2-1-12 Parcel 30	3.928 ACS			
	Kamuela Airport, Puukapu Parcel 1	TMK 6-7-01 Parcel 8 (Por)	40.682 ACS			
	Molokai Airport, Palaau					
	Tract B	TMK 5-2-04 Parcel 84 (Por)	11.176 ACS			
	Tract E-1	TMK 5-2-04 Parcel 83 (Por)	2.941 ACS			
	Tract E-2	TMK 5-2-04 Parcel 84 (Por)	0.107 ACS			
	Area 6	TMK 5-2-04 Parcel 8 (Por)	20.784 ACS			
	Area 3-A AVIGATION EASEMENT*	TMK 5-2-04 Portions of Parcels 55, 57 & 102	[37.502 ACS]	Shafter Flat, Moanalua	Unit 1, lots 1 to 5 & Unit 5, Lots 6 to 20	11.822 ACS
	*Land still owned by DHHL		167.285 ACS			11.822 ACS

SUMMARY - DHHL LAND EXCHANGES

CONVEYED BY LAND EXCHANGES -- (3,294.399 ACS)
ACQUIRED BY LAND EXCHANGES -- 7,011.788 ACS

NET ACREAGE GAINED/(LOSS) -- 3,717.389 ACS

SUMMARY - §203 - Public lands designated "available lands" under the HAWAIIAN HOMES COMMISSION ACT, 1920

Location	Designated Acreage	Actual Acreage	Excess/ Deficiency
Hawaii (12 Areas)			
Kamaoa-Puueo, District of Kau	11,000 ±	11,037.38	37.38
Puukapu, District of South Kohala	12,000 ±	12,974.96	974.96
Kawaihae 1, " " " "	10,000 ±	10,194.09	194.09
Pauahi, " " " "	750 ±	600.00	(150.00)
Kamoku-Kapulena, District of Hamakua	5,000 ±	3,542.82	(1,457.18)
Waimanu, " " "	200 ±	200.00	
Nienie, " " "	7,350 ±	7,135.20	(214.80)
Humuula Mauka*, District of North Hilo	53,000 ±	49,100.00	(3,900.00)
Panaewa, District of South Hilo	2,000 ±	2,000.00	
Keaaukaha, " " " "	2,000 ±	2,000.00	
Piihonua*, " " " "	2,000 ±	2,000.00	
Kaohe-Makuu*, District of Puna	2,000 ±	2,000.00	
SUBTOTAL	107,300 ±	102,784.45	(4,515.55)
* Area to be selected by Commission			
Maui (2 Areas)			
Kahikinui, District of Kahikinui	25,000 ±	22,809.27	(2,190.73)
Public lands, District of Kula	6,000 ±	6,111.95	111.95
SUBTOTAL	31,000 ±	28,921.22	(2,078.78)
Molokai (7 Areas)			
Palaau)	11,400 ±)	15,127.00	227.00
Hoolehua)	3,500 ±)		
Kalamaula	6,000 ±	5,116.00	(884.00)
Kapaakea	2,000 ±	1,958.00	(42.00)
Kamiloloa I & II	3,600 ±	2,502.94	(1,097.06)
Makakupaia	2,200 ±	726.00	(1,474.00)
Kalaupapa	5,000 ±	1,247.00	(3,753.00)
SUBTOTAL	33,700 ±	26,676.94	(7,023.06)
Oahu (3 Areas)			
Nanakuli, District of Waianae	3,000 ±	2,362.28	(637.72)
Lualualei, " " "	2,000 ±	1,941.70/1	(58.30)
Waimanalo**, District of Koolaupoko	4,000 ±	2,546.19	(1,453.81)
SUBTOTAL	9,000 ±	6,850.17	(2,149.83)
**Also excludes beach lands and military reservation; /1 - 1,343 acres under federal control			
Kauai (3 Areas)			
Waimea (Upper lands), District of Waimea	15,000 ±	15,061.00	61.00
Moloaa,	2,500 ±	333.22	(2,166.78)
Anahola/Kamalomalo,	5,000 ±	2,779.27	(2,220.73)
SUBTOTAL	22,500 ±	18,173.49	(4,326.51)
183,406.270 TOTAL (27 Areas)	203,500 ±	183,406.27	(20,093.73)

3,717.389 Net LEx
295.152 Net Cong.
187,418.811 Acres

1555K CURRENT INVENTORY - (34 AREAS) 187,419 ± Acres

INDEX

1) **KAMAOA-PUUEO, KAU, HAWAII**
HHCA §203(1) Kamaoa-Puueo--11,000± acres, in the district of Kau.

Testimony of Senator John Wise, February 13, 1920, before the House Committee on the Territories, p. 142:

> "MR. WISE. The first piece of land is Kamaoa-Puueo, on the island of Hawaii, in the district of Kau. 11,140 acres leased to the Waiohinu Agricultural and Grazing Co. The lease is for 21 years and expires May 21, 1929. It contains a withdrawal clause.
>
> GOVERNOR McCARTHY. What is the annual rental?
>
> MR. WISE. $200."

b) 5/18/08 GL No. 631 to Waiohinu Agricultural and Grazing Co., for a term of 21 years commencing 10/1/08, at an annual rental of $1,001 payable semi-annually covering approximately 12,700 acres.

b) 12/4/08 Presidential Proclamation No. 830 setting aside 10.02 acres for lighthouse purposes.

c) 10/19/09 Kamaoa Homesteads subdivision surveyed.

d) 1962 Complaint and Judgment (in condemnation) USA vs. 6.976 acres of land, USDC, Civil No. 2017, taking 5.739 acres and easements.

Land Inventory Summary:

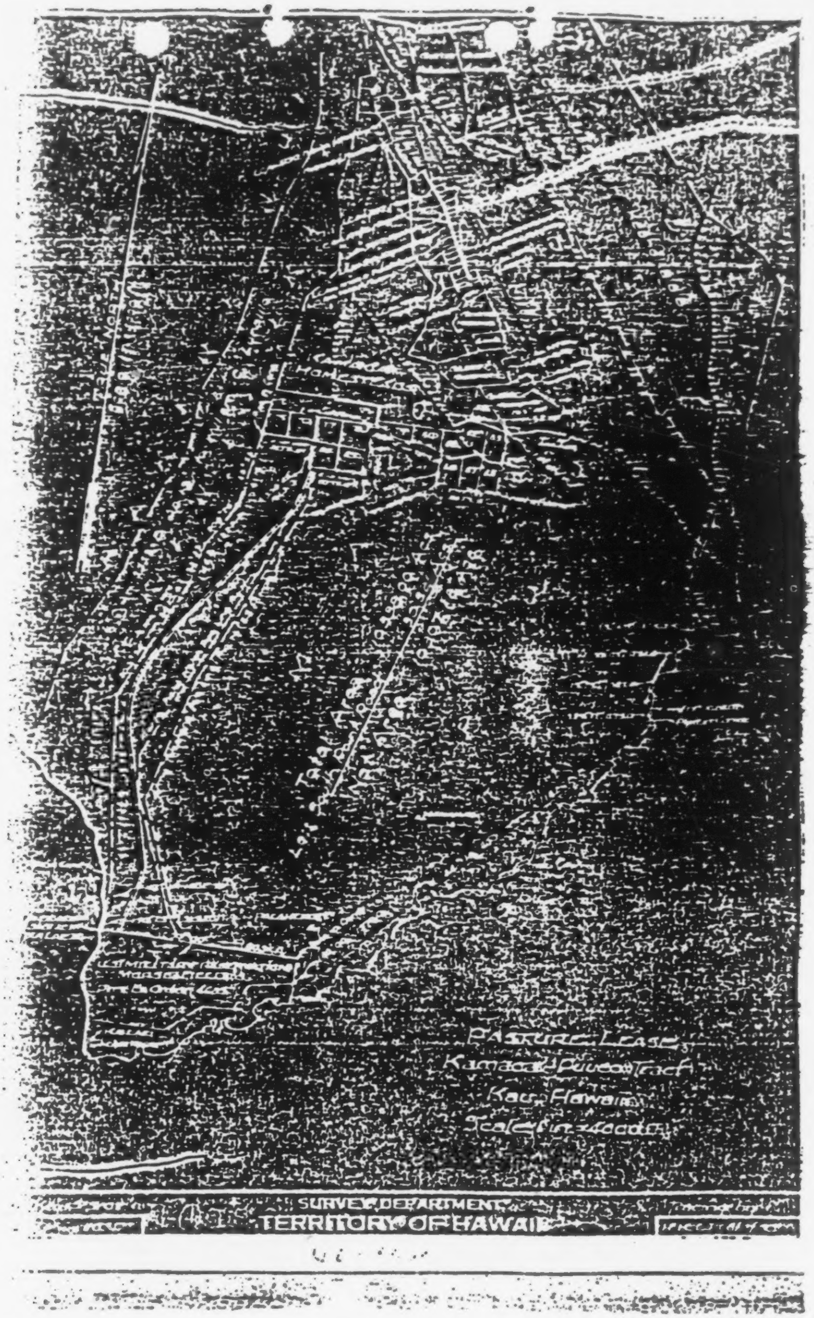
CSF 11,034	10,338.30 acres
CSF 4445 (GEO #258)	517.30
CSF 9146 (GEO #869)	182.38
	11,037.38 acres
Less: (US condemnation)	5.74
Inventory	11,031.64 acres

Tax Map Key References: Third Taxation District

9-3, 9-3-01

Map References:

See HTS Plat 105
Plat 9.0 H.H.
Kamaoa Homesteads Subdivision map


PASTURE LEASE
Kamaoa & Puueo Tract
Kau, Hawaii
Scale 1 in = 4000 ft
SURVEY DEPARTMENT
TERRITORY OF HAWAII

INDEX

25) **NANAKULI, WAIANAE, OAHU**

HHCA §203(4)		Nanakuli--3,000± acres, in the district of Waianae.
a)	8/24/12	GL 785 to Oahu Railway and Land Company for a term of 15 years from 9/1/12 at an annual rental of $2,980, payable semi-annually, covering 2.130 acres in Nanakuli.
b)	6/4/13	Governor's Proclamation establishing, among others, the NANAKULI FOREST RESERVES, and setting aside 1.010 acres as forest reserve. (See OAHU--FOREST RESERVES folder.)
c)	3/28/17	Presidential Executive Order No. 2564 set aside 31.36 acres in Nanakuli for military purposes.
d)	6/27/21	Governor's Executive Order No. 104 set aside 36.0 acres, more or less, of Nanakuli beach lands as public park.
e)	10/17/30	Governor's Proclamation adding 1,308 acres to the NANAKULI FOREST RESERVE. (See OAHU--FOREST RESERVES folder.)
f)	3/25/33	Governor's Executive Order No. 563 setting aside 5.13 acres to the Department of Public Instruction for proposed Nanakuli school. (See EXECUTIVE ORDERS--OAHU folder.)
g)	5/22/44	Governor's Executive Order No. 1068 withdrew 1,530 acres from the forest reserve which included 1,128 acres of Hawaiian home lands.
h)	11/2/45	Governor's Executive Order No. 1124 to the Park Board, City and County of Honolulu, for addition to Nanakuli Beach Park--4.09 acres. (See EXECUTIVE ORDERS--OAHU folder.)
i)	6/25/47	Governor's Executive Order No. 1194 setting aside 1.56 acres for addition to Nanaikapono School. (See EXECUTIVE ORDERS--OAHU folder.)
j)	6/25/47	Governor's Executive Order No. 1195 setting aside 6.986 acres for addition to the Nanakuli Beach Park. (Though GEO #1195 not cancelled, GEO #1579 and GEO #1725 effectively negates it.)
k)	9/9/53	Governor's Executive Order No. 1579 withdrawing 1,000 square feet from Governor's Executive Order No. 1195 and sets same aside as an addition to the Nanaikapono School. (See EXECUTIVE ORDERS--OAHU folder.)
l)	3/21/56	Governor's Executive Order No. 1725 withdrawing 6.963 acres from operation of GEO 1195 and sets same aside for an addition to the Nanaikapono School. (See EXECUTIVE ORDERS--OAHU folder.)

Land Inventory Summary:

Mauka Portion

CSF 2367 (Revised 8/6/27)	Gross Area	2,323.00 acres
of which:		
CSF 17,486	1,126.00 acres	
Plat 19.7 H.H.	486.70 "	
Forest Reserve	180.00 "	
Balance in homestead or related uses	527.30 "	
		2,320.00 acres

Makai Portion (A)

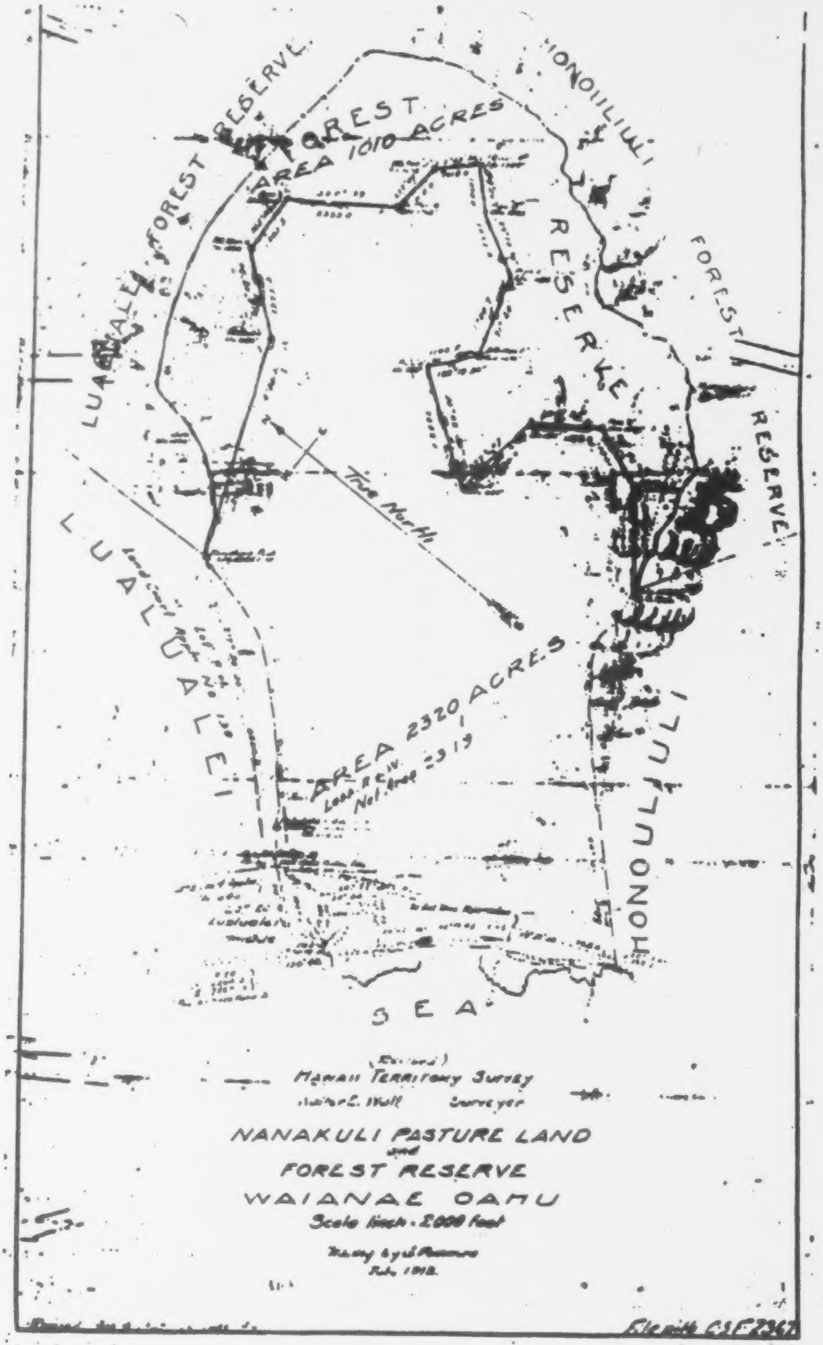
GEO # 563	5.13 acres	
GEO #1124	4.09 "	
GEO #1194	1.56 "	
GEO #1579	0.02 "	
GEO #1725	6.963 "	
		17.763 acres

Makai Portion (B)

Homestead & related uses		24.515 acres
3/25/16 [illegible]	Inventory	~~2,3[illegible]~~ acres [[illegible]] 2,377.03[illegible]

Tax Map Key References:

8-9, 8-9-01 to 8-9-14, inclusive.



LUALUALEI FOREST RESERVE
FOREST
AREA 1010 ACRES
HONOULIULI
FOREST RESERVE
RESERVE
FOREST RESERVE
LUALUALEI
True North
AREA 2320 ACRES
Less R. Civ.
Net Area 2319
HONOULIULI
SEA
(Revised)
Hawaii Territory Survey
Walter E. Wall Surveyor
NANAKULI PASTURE LAND
and
FOREST RESERVE
WAIANAE OAHU
Scale 1inch = 2000 feet
July 1912.
File with CSF 2367

(2)

PROCLAMATION
OF
FOREST RESERVES
IN THE
DISTRICTS OF WAIANAE AND WAIALUA

CITY AND COUNTY OF HONOLULU

ISLAND OF OAHU

TERRITORY OF HAWAII

UNDER and by virtue of the authority vested in me by the provisions of Chapter 28 of the Revised Laws of Hawaii, as amended by Act 65 of the Session Laws of 1905, and by Act 4 of the Session Laws of 1907, and of every other power me hereunto enabling, I, WALTER F. FREAR, Governor of Hawaii, with the approval of a majority of the Board of Commissioners of Agriculture and Forestry, having held the hearing of which notice has been duly given as in said acts provided, do hereby RECOMMEND AND APPROVE as forest reserves to be called respectively the Nanakuli, the Makua-Keaau and the Kuaokala Forest

#1

NANAKULI FOREST RESERVE a)

Reserves, those certain pieces of government and privately owned land in the Districts of Waianae and Waialua, Island of Oahu, which may be described roughly as being the upper ends of the valleys bearing those names and the mauka part of the government land of Kuaokala, and containing respectively areas of 1010 acres, 4716 acres and 434 acres, more or less, in the Districts of Waianae and Waialua, City and County of Honolulu, Island of Oahu, Territory of Hawaii more particularly described by and on maps made by the Gove[illegible] Survey Department of the Territory of Hawaii, which said maps are now on file in the said Survey Department marked respectively Government Survey Registered maps No 2535, "Nanakuli Forest Reserve," No. 2407 "Makua-Keaau Forest Reserve," and No. 2532 "Kuaokala Forest Reserve," and descriptions accompanying the same, numbered respectively C. S. F. Nos. 2366, 2396 and 2364, which said descriptions now on file in the said Survey Department are as follows:

NANAKULI FOREST RESERVE

Waianae, Oahu.

C.S.F. No. 2366

Beginning at Government Survey Trig. Station "Manawahua" on the ridge separating the lands of Nanakuli and Honouliuli, as shown on Government Survey Registered Map No. 2535, and running by true azimuths: -

1. Along down the ridge separating the lands of Nanakuli and Honouliuli to an iron pipe at the West corner of the proposed Honouliuli Forest Reserve the direct azimuth and distance being 67° 08' 4420.0 feet;
2. 231° 28' 30" 2179.0 feet along Nanakuli pasture land to a forest reserve monument on spur;
3. 202° 48' 1441.0 feet along Nanakuli pasture land to a pipe on ridge;
4. 144° 20' 1519.0 feet along Nanakuli pasture land to a forest reserve monument on ridge;

5. 97° 07' 1970.0 feet along Nanakuli pasture land to a pipe on end of spur;

6. 215° 02' 30" 2642.0 feet along Nanakuli pasture land to a pipe on end of spur;

7. 302° 19' 30" 1108.5 feet along Nanakuli pasture land to a forest reserve monument on spur;

8. 251° 24' 1784.7 feet along Nanakuli pasture land to a pipe on small spur;

9. 209° 14' 30" 1452.8 feet along Nanakuli pasture land to a pipe on small spur;

10. 224° 59' 1094.0 feet along Nanakuli pasture land to a forest reserve monument on small spur;

11. 132° 03' 30" 1018.0 feet along Nanakuli pasture land to a forest reserve monument on small spur;

12. 92° 49' 1118.4 feet along Nanakuli pasture land to a forest reserve monument on spur;

13. 148° 39' 2333.8 feet along Nanakuli pasture land to a pipe on small spur;

14. 85° 50' 30" 1263.5 feet along Nanakuli pasture land to a forest reserve monument on small spur;

15. 38° 09' 30" 1973.0 feet along Nanakuli pasture land to a forest reserve monument on spur;

16. 66° 43' 4788.0 feet along Nanakuli pasture land to Heleakala Peak on the ridge separating the lands of Nanakuli and Lualualei, said peak being the South corner of the Lualualei Forest Reserve;

17. Thence up along the ridge separating the lands of Nanakuli and Lualualei, along the Lualualei Forest Reserve, the direct azimuth and distance being 226° 58' 30" 6178.4 feet;

18. Thence still up along the ridge separating the lands of Nanakuli and Lualualei, along the Lualualei Forest Reserve, to a peak called Palikea, at the intersection of the ridges forming the boundaries of the lands of Lualualei, Nanakuli and Honouliuli, the direct azimuth and distance being 267° 10' 6280.0 feet;

19. Thence down along the ridge separating the lands of Nanakuli and Honouliuli, along the proposed Honouliuli forest reserve, the direct azimuth and distance being 350° 25' 4505.0 feet to a peak called Mauna Kapu;

20. Thence still down along the ridge separating the lands of Nanakuli and Honouliuli, along the proposed Honouliuli Forest Reserve, the direct azimuth and distance being 22° 31' 6219.0 feet to the point of beginning.

Area 1010 Acres.

MAKUA-KEAAU FOREST RESERVE.

District of Waianae

Island of Oahu

C. S. F. No. 2396.

Beginning at a 1½ inch pipe at the base of pali on the boundary between Keaau and Makaha, the coordinates of said pipe referred to Government Survey Trig. Station "Kepuhi" being 2278.5 feet North and 462.0 feet West, and the true azimuth to a + in coral rock at sea on the boundary between Keaau and Makaha being 69° 58' distance 1263.7 feet, as shown on Government Survey Registered Map No. 2407, and running by true azimuths: -

1. Along the base of the pali to a 1½ inch pipe on rocky ledge, the direct azimuth and distance being 192° 13' 2926.0 feet;
2. 170° 32' 1355.5 feet to a 1½ inch pipe on rocky point;
3. 219° 05' 911.7 feet to a 1½ inch pipe;
4. 173° 32' 976.7 feet to a 1½ inch pipe on rocky point;
5. 217° 46' 1314.5 feet to a + on solid rock;
6. 288° 16' 3693.0 feet to a 1½ inch pipe;
7. 270° 53' 1831.0 feet to a 1½ inch pipe;
8. 176° 25' 2766.0 feet across Keaau Valley to a 1½ inch pipe;
9. 115° 40' 1302.5 feet across the land of Chikilolo to a 1½ inch pipe;
10. 104° 43' 2210.0 feet to a 1½ inch pipe on spur;
11. 121° 50' 3861.0 feet to a 1½ inch pipe at the base of pali;
12. Thence along base of pali crossing Chikilolo-Makua boundary to a 1½ inch pipe on spur in Makua Valley,

the direct azimuth and distance being:- 196° 42' 2116.0 feet;

13. 283° 00' 3931.3 feet to a 1½ inch pipe at small pali at end of fence;

14. Thence along fence and wall, the direct azimuth and distance being 179° 48' 915.0 feet;

15. 247° 37' 346.0 feet on spur to a 1½ inch pipe;

16. 274° 46' 5052.8 feet to a 1½ inch pipe;

17. 259° 46' 30" 830.3 feet to a 1½ inch pipe;

18. 202° 28' 3811.1 feet across Makua Valley to a 1½ inch pipe;

19. 72° 00' 2237.2 feet to a 1½ inch pipe;

20. 104° 05' 30" 5471.3 feet to a 1½ inch pipe on spur being the boundary between Makua and Kahanahaiki;

21. 204° 00' 2845.5 feet to a + on large solid rock;

22. 158° 34' 1788.5 feet to a 1½ inch pipe on small spur;

23. 70° 11' 30" 3632.0 feet to a 1½ inch pipe on spur;

24. 70° 50' 2774.5 feet to a 1½ inch pipe on pali point;

25. Thence across Kahanahaiki along the base of pali to a + on solid rock on the boundary between Keawaula and Kahanahaiki, the direct azimuth and distance being: 135° 33' 3868.0 feet;

26. Thence up center of ridge along Keawaula, and thence along center of the main Waianae Range along Kuaokala, Kealia, Kawaihapai, and Mokuleia, to the junction of the Makua, Mokuleia, and Makaha boundaries, the direct azimuth and distance being:- 295° 00' 23320.0 feet;

27. Thence down center of ridge dividing Makaha and Keaau to the point of beginning, the direct azimuth and distance being 55° 12' 21480.0 feet;

Total area 4716 Acres.

KUAOKALA FOREST RESERVE.

Waialua District, Island of Oahu.

C.S.F. No. 2364.

G.S.R. Map No. 2532.

Beginning at Government Survey Trig. Station "Kakakoa" and running by true azimuths:

1. 169° 50' 711.5 feet along government land to fence corner;
2. 80° 14' 1927.5 feet along government land;
3. 62° 43' 30" 798.8 feet along government land to a 1 inch iron pin;
4. 152° 22' 30" 1194.2 feet along government land to a 3 x 3 redwood post;
5. 121° 26' 1727.4 feet along government land to a 3 x 3 redwood post;
6. 125° 17' 30" 2462.2 feet along government land to a 3 x 3 redwood post;
7. 58° 54' 601.8 feet along government land;
8. 2° 15' 1209.5 feet along government land to a 1½ inch iron pin;
9. 328° 43' 40" feet along government land to an iron pin;
10. 307° 23' 40" 1623.3 feet along government land;
11. 201° 03' 40" 945.1 feet along government land;
12. 295° 00' 2852.2 feet along government land;
13. 269° 59' 993.9 feet along government land;
14. 207° 49' 1348. feet along government land;
15. 173° 00' 900.0 feet to the point of beginning.

Area 434 Acres.

AND as provided by law, subject to the existing leases, I do hereby SET APART as the Nanakuli Forest Reserve that portion of the Government land of Nanakuli (1010 acres) that lies within the metes and bounds of the above described Nanakuli Forest Reserve; as parts of the Makua-Keaau Forest Reserve those portions of the government lands of Keaau (1850 acres), Makua (1556 acres) and Kahanahaiki (970 acres), altogether an area of 4376 acres, more or less, that lie within the metes and bounds of the above described Makua-Keaau Forest Reserve; and as the Kuaokala Forest Reserve those portions of the government lands of Kuaokala (Kaena) and Keawaula (434 acres) that lie within the metes and bounds of the Kuaokala Forest Reserve.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the Territory of Hawaii to be affixed.

DONE at the Capitol in Honolulu, this 4th day of June A.D. 1913.

W. F. Frear

Governor of Hawaii.

the Gove

E. A. [illegible] Smith

Secretary of Hawaii.

1917

Executive Order 2564

③

ORDER OF WITHDRAWAL

With the consent of the Government of the Territory of Hawaii, it is hereby ordered that the following described lands at Nanakuli, District of Waianae, Island of Oahu, Territory of Hawaii, be, and the same are hereby, withdrawn and set aside for military purposes.

I. Beginning at Station No. 1, marked by a standard concrete monument, which station is situated on the Northern boundary of the Oahu Railway & Land Company's right of way, said station being distant 32.5 feet, in a Southeasterly direction along said right of way, from the Southeast edge of the Nanakuli Railway Station; said Station No. 1 being located by the following azimuths:

To Territorial Triangulation Station "Puu o Hulu Makai," 130° 13' 00".
To Territorial Triangulation Station "Manawahua", 264° 02' 00".

From said Station No. 1 the boundary runs by true azimuths and distances:—

243° 43', 198.34 feet along the land of Nanakuli to Station No. 2, marked by a standard concrete monument; thence
324° 44', 999.66 feet along the land of Nanakuli to Station No. 3, marked by a standard concrete monument; thence
314° 44', 1207.97 feet along the land of Nanakuli to Station No. 4, marked by a standard concrete monument; thence
50° 34', 1190.92 feet along the land of Nanakuli to Station No. 5, marked by a standard concrete monument, said station being situated on the Northern boundary of the Oahu Railway & Land Company's right of way; thence
134° 44', 1158.08 feet along the Oahu Railway & Land Company's right of way to the point of beginning.

Containing an area of 31.36 acres, more or less.

II. The standard concrete monument consists of concrete in the shape of a truncated pyramid having an upper base 3 inches square and a lower base 12 inches square. In the center of the upper base is set a brass plate 3 inches square.

WOODROW WILSON

THE WHITE HOUSE,
28 March, 1917.

[No. 2564.]

Territory of Hawaii.

Office of the Government Survey.

Honolulu, T. H.,

Proposed Brigade Camp Site,
Nanakuli, Waianae, Oahu.

Beginning at Station No.1, marked by a concrete monument, which station is situated on the Northern boundary of the Oahu Railway and Land Company's right-of-way, said station being distant 52.5 feet, in a Southeasterly direction along said right-of-way, from the Southeast edge of the Nanakuli Railway Station; said Station No.1 being located by the following azimuths:-

To Territorial Triangulation Station "Puu o Hulu Makai" ~~"Puu Ohulu West"~~ 130° 13'
To Territorial Triangulation Station "Manawahua" - 264° 02'

From said Station No.1 the boundary runs by true azimuths and distances:-

245° 45' 198.34 feet along the land of Nanakuli to Station No.2; thence
224° 44' 999.66 feet along the land of Nanakuli to Station No.3; thence
314° 44' 1207.97 feet along the land of Nanakuli to Station No.4; thence
50° 34' 1190.92 feet along the land of Nanakuli to Station No.5; which station is situated on the Northern boundary of the Oahu Railway and Land Company's right-of-way; thence
134° 44' 1158.08 feet along the Oahu Railway and Land Company's right-of-way to the point of beginning.

Area 31-36/100 Acres, more or less.

Compared December 28, 1916.

R.D.King
Assistant

N S E W

Executive Order No. 104

Setting Aside Land for Public Purposes

E.O. 1266 [illegible]

I, C. J. McCarthy, Governor of the Territory of Hawaii, by virtue of the authority vested in me by the last paragraph of Section 5 of the Act of Congress approved May 27, 1910, entitled "An Act to Amend an Act Entitled 'An Act to Provide a Government for the Territory of Hawaii,' approved April Thirtieth, Nineteen Hundred," and every other authority me hereunto enabling, do hereby order that the following described land be and the same is hereby set aside *for* public purposes, to-wit, *for* a public park.

NANAKULI BEACH PARK.

Being portions of the Government Lands of Nanakuli and Lualualei, Waianae, Oahu, T. H.

Beginning at the North corner of this piece of land, on the Southwest side of the Oahu Railway and Land Company's 40 foot right-of-way, the co-ordinates of said point referred to Government Survey Triangulation Station "Puu o Hulu makai" being 6236.0 feet South and 7509.4 feet East, and the true azimuth and distance to a 1-1/2 inch galvanized iron pipe, at the South corner of Lot 20, of the Lualualei Homesteads, on the Northeast side of 50 foot Government Road to Waianae, being 218° 53' 30" 90.46 feet, and running by true azimuths from the above described initial point:-

1. 314° 42' 770.0 feet along the Southwest side of the Oahu Railway and Land Company's 40 foot right-of-way, parallel to and 20 feet distant from center line of track;
2. 44° 42' 245.0 feet, more or less, along the remainder of the land of Nanakuli;
3. 345° 27' 685.0 feet along same;
4. 296° 35' 640.0 feet along same;
5. 325° 15' 455.0 feet along same;
6. 258° 30' 122.0 feet along same;
7. 224° 42' 373.0 feet along same to the Southwest side of the Oahu Railway and Land Company's 40 foot right-of-way;
8. Thence along the Southwest side of the Oahu Railway and Land Company's 40 foot right-of-way, parallel to and 20 feet distant from center line of track, the direct azimuth and distance being 320° 25' 1650.0 feet,

9. 59° 35' 555.0 feet along the remainder of the land of Nanakuli;

10. 10° 10' 259.0 feet along same;

11. 351° 00' 385.0 feet along the remainder of the land of Nanakuli;

12. 326° 45' 165.0 feet along same;

13. 242° 35' 420.0 feet along same;

14. 316° 07' 950.0 feet along same;

15. 12° 30' 280.0 feet along same;

16. 324° 30' 180.0 feet along same;

17. 267° 30' 225.0 feet along same;

18. 239° 30' 185.0 feet, more or less, to the Southwest side of the Oahu Railway and Land Company's 40 foot right-of-way;

19. Thence along the Southwest side of the Oahu Railway and Land Company 40 foot right-of-way, parallel to and 20 feet distant from the center line of track, the dire azimuth and distance 338° 00' 430.0 feet;

20. 44° 40' 30.0 feet, more or less, along the land of Honouliuli to high water mark at sea shore;

21. Thence following along high water mark, at sea shore, in all its tur and windings, the direct azimuth and distance being 142° 10' 6650.0 feet;

22. 218° 53' 30" 65.0 feet, more or less, along U. S. Military Reservation of Lualualei to the point of beginning and containing an area of 36.0 acres, a little mor or less.

In Witness Whereof, I have hereunto set my hand and caused the Great Seal of the Territory of Hawaii to be affixed.

Done at the Capitol at Honolulu this 27th day of JUNE Nineteen Hundred and Twenty One.

C J McCarthy

By the Governor,

Curtis P. Iaukea

Secretary of Hawaii.

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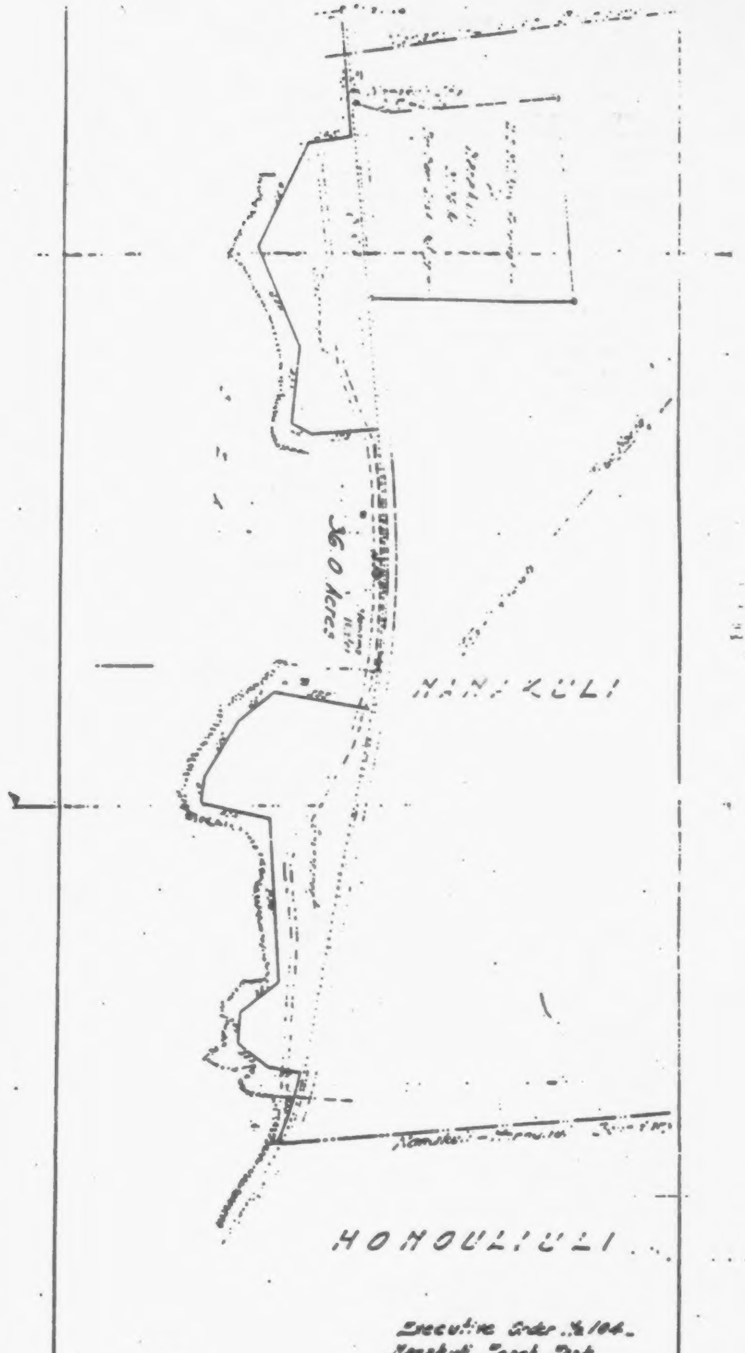

16.0 Acres
NANAKULI
HONOULIULI
Executive Order No 104
Nanakuli Beach Park
Nanakuli, Waianae, Oahu
Scale 1in = 300 ft

A-23

Executive Order [illegible]

WHEREAS, by Executive Order No. 2564 dated March 28, 1917, certain lands, containing an area of 31.36 acres, more or less, at Nanakuli, District of Waianae, Island of Oahu, Territory of Hawaii, were withdrawn and set aside for military purposes;

WHEREAS, the initial point of beginning of the description contained in said Executive Order was erroneously given therein and should be amended in such respect as hereinafter provided; and

WHEREAS, the Territory of Hawaii, in connection with the relocation of a certain road in order to secure a better grade and alignment, desires a right of way as hereinafter provided over a portion of the lands set aside by said Executive Order, which is no longer required for military purposes;

NOW, THEREFORE, pursuant to the authority vested in me by Section 91 of the Act of Congress approved April 30, 1900 (31 Stat. 141), entitled "An Act to provide a government for the Territory of Hawaii," as amended by Section 7 of the Act of Congress approved May 27, 1910 (36 Stat. 443), it is hereby ordered that the description contained in said Executive Order No. 2564, dated March 28, 1917, be, and the same is hereby amended to read as follows:

> Beginning at Station No. 1, marked by a standard concrete monument on the northern boundary of the Oahu Railway and Land Company's right of way, the coordinates of said point of beginning referred to Territorial Triangulation Station "Puu O Hulu, Makai" being 6700.7 feet south and 7929.4 feet east, with azimuths as follows:
>
> To Territorial Triangulation Station "Puu O Hulu, Makai" 130° 11′ 53″
> To Territorial Triangulation Station "Manawahua" 284° 00′ 34″
>
> From said point of beginning running by true azimuths and distances as follows:
>
> 1. 245° 48′ 198.34 feet along the land of Nanakuli to Station No. 2, marked by a standard concrete monument; thence
> 2. 221° 44′ 990.66 feet along the land of Nanakuli to Station No. 3, marked by a standard concrete monument; thence
> 3. 314° 44′ 1207.97 feet along the land of Nanakuli to Station No. 4, marked by a standard concrete monument; thence
> 4. 50° 34′ 1190.92 feet along the land of Nanakuli to Station No. 5, marked by a standard concrete monument; said station being situated on the northern boundary of the Oahu Railway & Land Company's right of way; thence
> 5. 134° 44′ 1153.03 feet along the Oahu Railway & Land Company's right of way to the point of beginning.
>
> Containing an area of 31.36 acres, more or less.
>
> The standard concrete monument consists of concrete in the shape of a truncated pyramid having an upper base 8 inches square and a lower base 12 inches square. In the center of the upper base is set a steel plug.

It is further ordered that the following described portion of the above land be, and the same is hereby restored to its previous status for the use of the Territory of Hawaii for road purposes:

> Beginning at the same point as the point of beginning in the preceding description and running by true azimuths and distances as follows:

1. 245° 45' 53.17 feet across the new road right of way and being a portion of the first course in preceding description.
2. 314° 44' 1144.08 feet along the mauka side of the new road right of way, being 70 feet, more or less, distant from and parallel to the center line of the Oahu Railway & Land Company's railroad track;
3. 50° 34' 49.59 feet across the new road right of way and being a portion of the fourth course in preceding description.
4. 134° 44' 1156.08 feet along the makai side of the new road right of way, being 20 feet, more or less, distant from and parallel to the center line of the Oahu Railway and Land Company's railroad track; being also the fifth course in preceding description.

Containing an area of 57,128 square feet.

Provided that if the land transferred by this instrument is not used for road purposes as above indicated, or if at any time thereafter it shall cease to be used for such purposes, then it shall revert to its former status as a part of the Nanakuli Military Reservation.

CALVIN COOLIDGE

THE WHITE HOUSE,
September 5, 1928.

[No. 4994]

Document No. 9
(Continued)

INDEX

31) MOLOAA, KAUAI
HHCA §203(5) Moloaa--2,500± acres.

Testimony of Senator John Wise before the House Committee on Territories on February 10, 1920, p. 146:

> "THE CHAIRMAN. The next piece of land?
> MR. WISE. There is nothing here on the record concerning Moloaa.
> GOVERNOR McCARTHY. I think that was Hui land.
> MR. IRWIN. Some Government and some Hui land.
> THE CHAIRMAN. Five thousand acres was Government land?
> MR. WISE. Yes."

a) 6/5/09 Governor's Proclamation establishing the MOLOAA FOREST RESERVE and setting aside 2,190 acres of Papaa-Moloaa as forest reserve. (See KAUAI--FOREST RESERVES folder.)

b) 7/1/13 GL No. 792 to Charles A. Rice for a term of 15 years commencing 7/13/13 at an annual rental of $89.50 covering 358 acres of the Papaa-Moloaa Tract.

c) 10/13/13 Governor's Proclamation revising and modifying the boundaries of the MOLOAA FOREST RESERVE which now showed on the map Moloaa-Papaa acreage as 2,150. (See KAUAI--FOREST RESERVES folder.)

d) 10/17/30 Governor's Proclamation revising and modifying the boundaries of the MOLOAA FOREST RESERVE which now showed on the map the Aliomanu-Papaa-Moloaa acreage as 2,270 acres. (See KAUAI--FOREST RESERVES folder.)

e) 1/18/67 HHC exchanged 17.246 acres. (Kauai Belt Road.) (See LAND EXCHANGE FOLDER VI.)

Land Inventory Summary:

CSF 9942	333.216	acres
Less: '67 L. Exchange	17.250	"
Inventory	315.970	acres

Tax Map Key Reference: Fourth Taxation District

4-9, 4-9-01, 10.

INDEX

14) **KAHIKINUI, MAUI**
HHCA §203(2) Kahikinui - 25,000 acres ± acres in the district of Kahikinui.

Testimony of Senator John Wise, February 10, 1920, before the House Committee on the Territories, p. 144 and 145:

> "MR. WISE. Kahikinui, 25,000 acres.
> THE CHAIRMAN. That is leased to whom?
> MR. WISE. That is leased to J. H. Raymond.
> THE CHAIRMAN. When was it leased and when does the lease expire?
> MR. WISE. The lease expired in 1902. Consequently there is no withdrawal clause in that.
> THE CHAIRMAN. No withdrawal clause?
> MR. WISE. No.
> THE CHAIRMAN. How long does that lease run?
> MR. WISE. 1923.
> THE CHAIRMAN. How much a year?
> MR. WISE. $500.
> THE CHAIRMAN. What is it being used for at the present time?
> MR. WISE. As a cattle ranch."

a) 9/20/02 GL 541 to James H. Raymond for a term of 21 years commencing 9/20/02 at an annual rental of $500, payable semi-annually, covering 25,000 acres, more or less.
(Note: GL No. 215 dated 1/22/1876, GL 422 dated 2/1/1891 and GL 528 dated [illegible]1/00 were the predecessors to the above lease.)

b) 11/8/22 GL 1458 to James H. Raymond, et al., for a term of 21 years commencing 9/21/23 at an annual rental of $1,267 payable semi-annually covering the lower portion of Kahikinui containing 12,655 acres.

c) 12/22/28 Governor's Proclamation establishing the Kahikinui Forest Reserve and setting 8,747 acres of Kahikinui as a part of the forest reserve. (See MAUI--FOREST RESERVE folder.)

d) 11/10/42 GL 2921 issued to Ulupalakua Ranch, Limited for a term of 21 years commencing 9/21/44 at an annual rental of $1,267 payable semi-annually covering 14,255 acres.

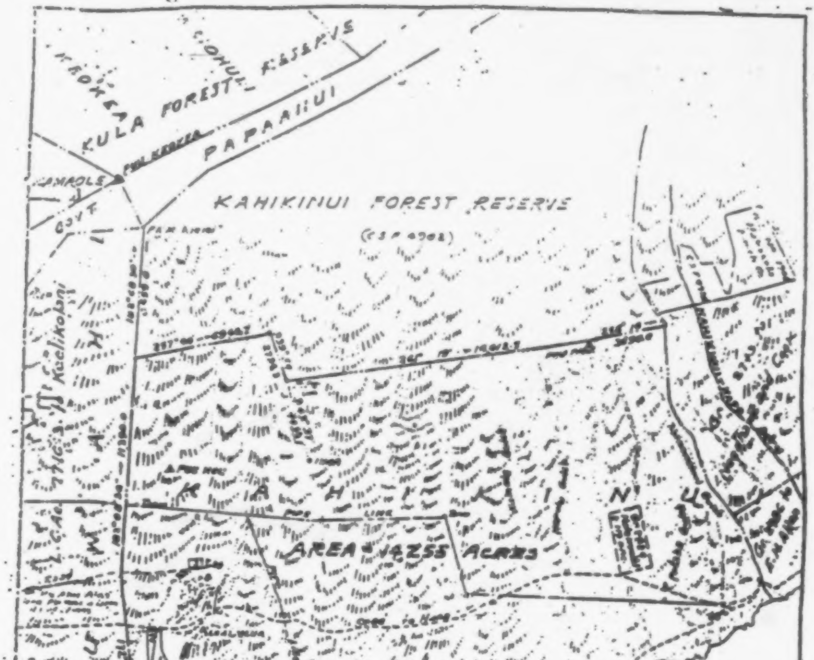
e) 4/1/67 DHHL GL 101 to Maui Factors, Inc., for a term of 25 years commencing 4/1/67 at an annual rental of $24,000 for the first ten years, payable quarterly, covering 15,620 acres. Current rents $31,240. Leased area includes 1,365 acres of lands under forest reserve.

Land Inventory Summary:

Plat 10.0 H.H. (CSF 9777 - 8/10/42)	14,255.00 acres
HTS Plat 1020-A (Forest Reserve	8,747.00 acres
TMK 2nd 1-9-01:8 (unsurveyed)	62.00 acres
	23,064.00 acres
Less: LCA's grants, etc.	254.73 acres
Inventory	22,809.27 acres

Tax Map Key References: Second Taxation District

1, 1-9


KULA FOREST RESERVE
PAPAANUI
KAHIKINUI FOREST RESERVE
GOVT
Kaelikoani
K A H I K I N U I
AREA = 14255 Acres
POINT
S E A
TRUE NORTH
G.L. 2971
LEASE
LOWER PORTION OF KAHIKINUI
KAHIKINUI, MAUI
SCALE 1 INCH = 5000 FEET
TAX MAP 1-9
C.S.F. No 9777
SURVEY DEPARTMENT
TERRITORY OF HAWAII
J.C.Ryan

A-2

GL 2921

TERRITORY OF HAWAII
SURVEY DEPARTMENT
HONOLULU

C.S.F. No. 9777

August 12, 1942

(Revised August 1942)

LEASE
Being the lower portion of Kahikinui situated between
the Kahikinui Forest Reserve and the sea and between
L.C.Aw. 7715 Apana 3 to R. Keelikolani and Grant 2743
to Needham and Cook and Grant 2986 to E.H. Allen
At Kahikinui, Maui

Being portion of the government land of Kahikinui
set aside for the use of the Hawaiian Homes Commission
as described in Section 1662, Revised Laws of Hawaii, 1935.

Beginning at a point on seashore called "Kamoa", being also the southeast corner of the land of Auwahi, the coordinates of said point of beginning referred to Government Survey Triangulation Station "LUALAILUA" being 10,631.5 feet South and 2401.8 feet West, as shown on Government Survey Registered Map 955, and running by azimuths measured clockwise from True South:-

1.	172°	07'	30"	240.0	feet across old fishing Ko'a to an iron stake on rising ground above the road and the true azimuth and distance to the Government Triangulation Station "C" being 80° 25' 2570 feet;
2.	172°	07'	30"	13,786.0	feet along the land of Auwahi to an iron pin in "Ke ahu Alea" a large pile of stones on the makai edge of the old Hana Road;
3.	182°	08'	30"	11,390.0	feet along the land of Auwahi to the Kahikinui Forest Reserve fence;
4.	257°	40'		6,944.7	feet along fence along the Kahikinui Forest Reserve;
5.	339°	54'		2,734.3	feet along same to a pipe;
6.	261°	19'		16,012.5	feet along same;

(over)

7. 258° 16' 3,830.0 feet along same to the east edge of the east branch of Manawainui Gulch;

8. Thence down along the east edge of Manawainui Gulch, along Grant 2743 to Needham and Cook, and along Grant 2986 to E.H.Allen to the mouth of said gulch at seashore;

9. Thence following along the sinuosities of the seashore to the point of beginning.

AREA 14,238 ACRES

Excepting and reserving therefrom the privately owned parcels, L.C.Awards, Grants and Lots 1, 2 and 3 of the Lualailua Homestead Tract, within the above described area.

Also, excepting and reserving therefrom the old and present roads to Hana, as shown on plan hereto attached and made a part hereof.

Also, reserving to the Territory of Hawaii or its agents or assigns such rights-of-way for ingress, egress and regress at all times and for all purposes with or without vehicles and animals over the land herein described or any part thereof, such rights of way to be designated by the Commissioner of Public Lands or his successors in office, at such times and such widths as he may deem proper and necessary.

Also, excepting and reserving therefrom the tank sites and rights-of-way for pipe lines across this land.

Compiled from Govt.
Survey records, by

Thomas C. Ryan
Cadastral Engineer
bkp

NOTE: See Attached list.

[illegible]

See CSF 3836

Hn

[illegible]

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LIST OF FEE SIMPLE TITLES AND OTHER LANDS THAT MAY BE IN THE LOWER PORTION OF KAHIKINUI, MAUI

R.P. 3942, L.C.Award 3404 Apana 1	6.13	Ac.	
" " Apana 2	2.07	"	
" " Apana 3	3.96	"	
R.P. 3933, L.C.Award 3404	0.15	"	12.33 Acres
Grant 2824	119.00	"	
Grant 2901, Apana 1	69.75	"	
" Apana 2	5.62	"	
Grant 2988, Apana 1	8.07	"	
" Apana 2	5.61	"	208.06 Acres
Lot 1, Lualailua Homesteads (Grant 8586)	18.52	"	
Lot 2, " (Grant 7152)	15.83	"	
Lot 3, "	10.00		44.35 Acres
TOTAL			264.73 Acres

NOTE: Above for office information.

Comp. T.J.K.E.

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PROCLAMATION
OF
FOREST RESERVE
IN THE
DISTRICTS OF HONUAULA, KAHIKINUI AND KAUPO,
ISLAND AND COUNTY OF MAUI
TERRITORY OF HAWAII

UNDER and by virtue of the authority vested in me by the provisions of Chapter 47 of the Revised Laws of Hawaii 1925, and of every other power me hereunto enabling, I, W. R. Farrington, Governor of Hawaii, with the approval of a majority of the Board of Commissioners of Agriculture and Forestry, having held the hearing of which notice has been duly given all as in said laws provided, do hereby recommended and approve as a forest reserve, to be called the **KAHIKINUI FOREST RESERVE**, portions of government and privately owned lands in the Districts of Honuaula, Kahikinui and Kaupo, Island and County of Maui, Territory of Hawaii, containing a total area of 10.013 acres, more or less, more particularly described by and on a map made by the Government Survey Department of the Territory of Hawaii, which said map is now on file in the said Survey Department marked "Kahikinui Forest Reserve," and a description accompanying the same, numbered C. S. F. 4902, which said description now on file in said Survey Department is as follows:

KAHIKINUI FOREST RESERVE

Within Honuaula, Kahikinui and
Kaupo Districts,
Island of Maui,
Territory of Hawaii.
C. S. F. 4902

Beginning at the Government Survey Trig. Station "Puu Kamakani" (marked by an iron pin) in the land of Nakula and on the Southern boundary of this Reserve, the direct azimuth and distance from said station to Government Survey Trig. Station "Ka Lae o Ka Ilio" being 311° 38' 27063.0 feet, and running by true azimuths:

1. 68° 37' 5760.0 feet along the government land to a pipe on the West edge of Pahihi Gulch;

2. 148° 14' 3900.3 feet up along the West edge of Pahihi Gulch along Grant 2743 to Needham and Cook and along government land to a pipe:

3. 71° 00' 1800.0 feet along the government land to a pipe on the East edge of East branch of Wailaulau Gulch:

4. 342° 50' 2241.0 feet down along the East edge of East branch of the Wailaulau Gulch to a pipe:

5. 1° 20' 1900.0 feet along same:

6. 110° 07' 450.0 feet across the Wailaulau Gulch below junction of gulches to an ohia stake:

7. 151° 17' 1522.8 feet up along the West edge of West branch of Wailaulau Gulch to the end of fence:

8. 72° 50' 638.0 feet along fence and across small gulch:

9. 149° 03' 965.2 feet up along West edge of said small gulch to end of fence:

10. 99° 12' 792.0 feet along fence to the East edge of the Waiopai Gulch:

11. 345° 00' 1488.0 feet down along the East edge of Waiopai Gulch:

12. 37° 22' 281.0 feet across the Waiopai Gulch to end of fence on the West edge of said gulch:

13. 78° 00' 2026.0 feet along fence to the East edge of East Branch of the Manawainui Gulch:

14. 325° 29' 2365.8 feet down along the East edge of the East Branch of the Manawainui Gulch:

15. 78° 16' 3850.0 feet across the East branch of the Manawainui Gulch and along fence along government land to a stake:

16. 81° 19' 16012.5 feet along fence along government land to a pipe, from this pipe the direct azimuth and distance to Government Survey Trig. Station "Puu Uma" is 343° 37' 4439.1 feet:

17. 150° 54' 2734.3 feet along fence along government land:

18. 77° 40' 6944.7 feet along same:

19. 182° 08' 30" 6550.0 feet along the land of Auwahi to a Forest Reserve Monument at a place called "Kieiei."

20. 149° 03' 30" 3121.8 feet across the land of Papaanui to "Puu Keokea" Trig. Station marked by a 1¼ inch pipe:

21. 248° 33' 20" 1906.8 feet along Kula Forest Reserve:

22. 241° 40' 12230.0 feet along same to a + cut on rock over a sort of cave at a place called Kalepeamoa:

23. 233° 38' 3395.0 feet along same to a pile of stones on top of mountain:

24. 247° 56' 7140.0 feet along same to concrete monument marked No. 25:

25. 213° 46' 466.2 feet along Kealahou 3 and 4 to concrete monument marked No. 17:

26. 307° 38' 2173.6 feet along Hawaii Volcano National Park Haleakala Crater section to concrete monument marked No. 16:

27. 297° 52' 30" 5209.2 feet along same to concrete monument marked No. 15:

28. 270° 23' 30" 12240.3 feet along same to concrete monument marked No. 14, the true azimuth and distance from said monument to an → on rock called "Kumuiliahi" being 167° 28' 928.7 feet:

29. 271° 34' 45" 9960.4 feet along same to a ÷ on rock, the true azimuth and distance from said ÷ on rock to Government Survey Trig. Station "Haleakala 2" being 179° 13' 15" 943.2 feet:

30. 318° 42' 30" 9574.2 feet along same to a pipe, and from said pipe the true azimuth and distance to a pipe on the West edge of Kaupo Gap being 266° 01' 30" 903.4 feet:

31. 75° 44' 15781.0 feet across the lands of Nuu and Nakula to the point of beginning.

AREA 16013.0 ACRES

SUMMARY OF AREAS

Government Land.......	13368.0	Ac.
Papaanui	1090.0	"
Kahikinui	8747.0	"
Nakula	3531.0	"
Private Land		
Nuu (Campbell Estate..	2019.0	Ac.
(A. V. Marciel....	626.0	"
	16013.0	Ac.

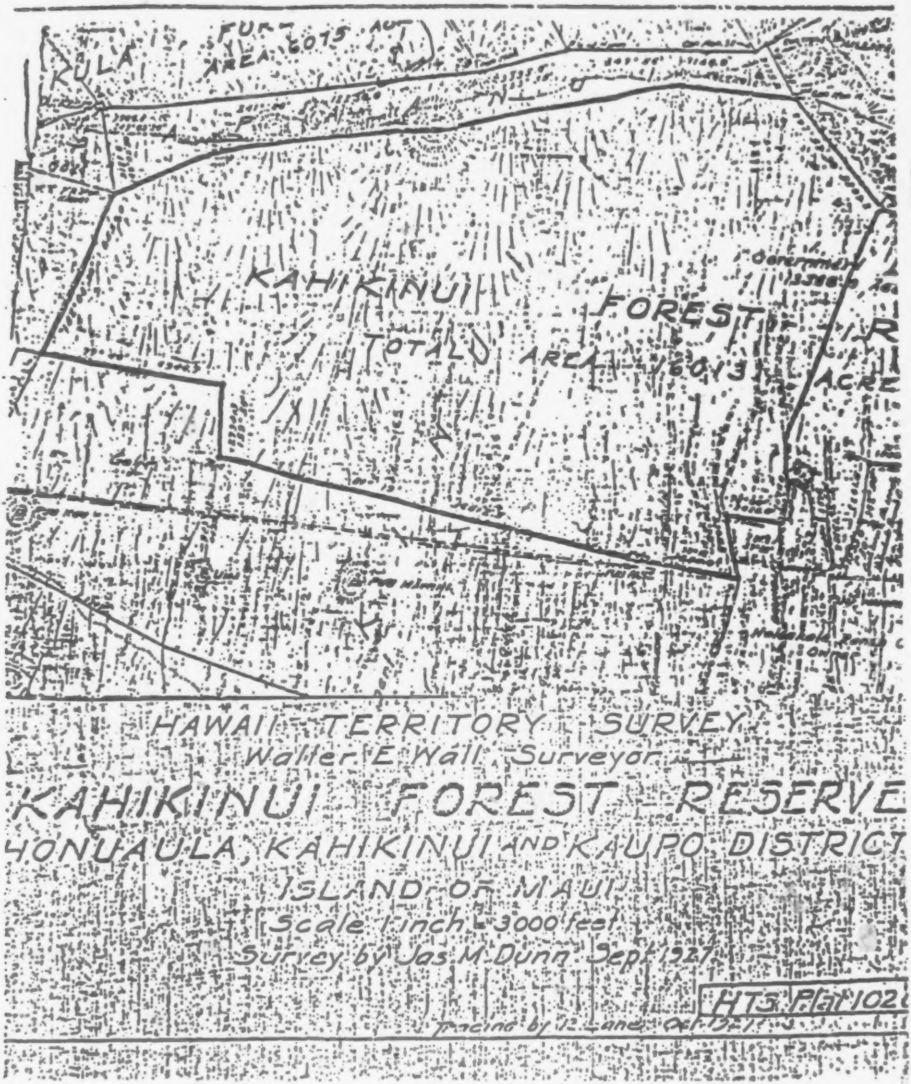
AND, as provided by law, subject to existing rights, I do hereby SET APART as part of the Kahikinui Forest Reserve those certain portions of the government lands of Papaanui (1,090 acres), Kahikinui (8,747 acres), and Nakula (3,531 acres, altogether an area of 13,368 acres, more or less, which lie within the metes and bounds of the above described KAHIKINUI FOREST RESERVE.

(Seal) IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the Territory of Hawaii to be affixed.

Done at the Capitol in Honolulu this 22nd day of December, A. D. 1928.

(S) W. R. FARRINGTON,
Governor of Hawaii.

By the Governor:
(S) RAYMOND C. BROWN,
Secretary of Hawaii.


KULA
AREA 6015 ACT
KAHIKINUI FOREST R
TOTAL AREA 16013 ACRE
Government
HAWAII TERRITORY SURVEY
Walter E Wall, Surveyor
KAHIKINUI FOREST RESERVE
HONUAULA, KAHIKINUI AND KAUPO DISTRICT
ISLAND OF MAUI
Scale 1 inch = 3000 feet
Survey by Jas M Dunn Sept 1927
HTS Plat 102
Tracing by

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24) KALAUPAPA, MOLOKAI
HHCA §203(3) Kalaupapa--5,000± acres.

a)	3/20/1855	Land Commission Award 6450, Apana 3, issued to Kaunuohua covering the Ahupuaa of Kalaupapa, Molokai.
b)	9/29/1868	Warranty Deed conveying to the Minister of Interior, the Ahupuaa of Kalaupapa.
c)	3/24/30	Governor's Proclamation modifying the Molokai Forest Reserve by adding 380 acres of Kalaupapa as forest reserve. (See MOLOKAI--FOREST RESERVE folder.)

Land Inventory Summary:

Ahupuaa of Kalaupapa	1,247.0 acres

Tax Map Key References: Second Taxation Division

6-1-01

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8) HUMUULA, NORTH HILO, HAWAII

HHCA §203(1) Humuula--53,000 acres to be selected by the commission from the lands of Humuula Mauka, in the district of North Hilo.

Testimony of Senator John Wise before the House Committee on Territories on February 10, 1920, p. 143-144:

> "THE CHAIRMAN. This 53,000 acres of Humuula Mauka, is that leased to the Parker Ranch?
> MR. WISE. Yes; for a sheep station.
> THE CHAIRMAN. For how much?
> MR. WISE. $8,150 a year.
> THE CHAIRMAN. When does that lease expire?
> MR. WISE. 1930.
> THE CHAIRMAN. 1930?
> MR. WISE. That has the withdrawal clause.
> THE CHAIRMAN. Would any injustice be done to the Parker Ranch by withdrawing that 53,000 acres now?
> MR. WISE. I do not think so."

a) 12/30/08 GL No. 608 to Humuula Sheep Station Co. for a term of 21 years commencing January 1, 1909 to December 30, 1929. An annual rent of $8,150 covering 53,180 acres.

b) 6/5/09 Governor's Proclamation establishing the MAUNA KEA FOREST RESERVE setting aside an area of 66,600 acres. (See HAWAII-FOREST RESERVE folder.)

c) 12/22/28 Governor's Proclamation modifying the boundaries and adding more lands, increasing the total area to 68,227 acres of which is listed:

Humuula 4,336.0 acres
(See HAWAII-FOREST RESERVE folder.)

d) 4/17/29 GL No. 1971 dated 4/17/29 for a period of 21 years commencing 1/1/30 to 12/31/50 at an annual rental of $25,100 payable semi-annually on 1/1 and 7/1 of each year, covering 49,100 acres.

e) 6/27/29 HHC Resolution No. 5 selecting 49,100 acres described by metes and bounds description and map--CSF 5313.

f) 5/2/38 Governor's Proclamation further modifying the boundaries of the MAUNA KEA FOREST RESERVE revising the courses and distances and by adding new lands containing a total of 88,100 acres of which is listed:

Humuula 8,453 acres
(See HAWAII-FOREST RESERVE folder.)

g) 1/3/39 Partial Release of Leasehold - Effective 1/1/36, area of 4,550 areas withdrawn from operation of GL No. 1971, for forest reserve and 80 acres of forest reserve lands added to GL No. 1971 area. Rent also reduced effective 1/1/36 to $22,232.70, lease area now only 44,280 acres.

h)	12/26/50	By letter dated 12/26/50, CPL extended term of GL #1971 for 1 year commencing 1/1/51. (See DLNR correspondence folder for GL #1971.)
i)	9/19/51	By letter dated 9/15/51, CPL informed HHC GL #1971 expires on 2/19/52. (See DLNR correspondence folder for GL #1971.)
j)	Interim	RP #760 issued covering said lands.
k)	12/29/52	GL #3438 dated 12/29/52 issued to Parker Ranch for term of 21 years commencing 7/1/53 to 6/30/74, rental of $16,000 per annum, payable semi-annually on 7/1 and 1/1, covering Parcel 1 containing 5,290 acres. GL #3439 dated 12/29/52 issued to Parker Ranch for term of 21 years commencing 7/1/53 to 6/30/74, rental of $14,000 per annum, payable semi-annually on 7/1 and 1/1, covering Parcel 2 containing 7,512.8 acres. GL #3440 dated 12/29/52 issued to Parker Ranch for term of 21 years commencing 7/1/53 to 6/30/74, rental of $18,000 per annum, payable semi-annually on 7/1 and 1/1, covering Parcel 3 containing 20,416 acres gross.
l)	4/14/54	Letter from CPL to HHC Attn: DKB regarding 11,155.9 acre parcel known as Aina Hou apprising of public sale of lease on 4/9 and 4/16 with no bidders and asking for HHC determination regarding homesteading of said parcel.
m)	4/20/54	Letter from DKB to CPL regarding use of Aina Hou apprising same that matter to be taken to HHC 5/13/54.
n)	6/9/54	HHC discussed contents of 4/14/54 letter on 5/13/54 and at its meeting of 6/9/54 took action authorizing CPL to turn the Aina Hou lands over to the Board of Agriculture and Forestry to be used as a game reserve and public hunting area. (See p. 37, HHC minutes 6/9/54.)
o)	8/24/54	Governor's Executive Order No. 1653 setting aside a net area of 11,123.80 acres for public hunting ground and game serve to the Board of Agriculture and Forestry. (See EXECUTIVE ORDER--HAWAII folder.)
p)	1/26/62	GL #3697 to Hawaiian Telephone of 2.938 acres for 21 years commencing 1/26/62 to 1/25/83 at $20.00.
q)	8/17/64	GL #S-3849 (DLNR) to USA (Army) per 65 years commencing 8/17/64 to 8/16/2029 for $1 for term which includes 295± acres of HHL of Humuula.
r)	1/20/65	GL #3887 to Hilo Electric for 30 years commencing 1/20/65 to 1/19/95 at $360.
s)	6/27/77	Memo to BB from OA regarding chornology for Humuula.
t)	9/1/77	GL #199 - Parker Ranch - 25 years (9/1/77 to 8/30/2002) Parcel 1, 5,290 acres - $29,300 - 10 years.

GL #200 - Parker Ranch - 25 years (9/1/77 to 8/30/2002) Parcel 2, 7,512.8 acres - $45,200 - 10 years.

GL #201 - Parker Ranch - 25 years (9/1/77 to 8/30/2002) Parcel 3, 20,416 acres gross - $52,800 - 10 years.

u) 2/18/82 Hideo Murakami to Tany Hong - ownership of TMK 3-8-01:3 & 4, Humuula.

v) 4/29/82 Dona Hanaike (Dep. AG) to Hideo Murakami - TMK 3-8-01: 3 & 4 is HHL and 1938 Proclamation as it encroaches upon HHL is invalid.

w) 5/26/82 Letter to SO, BLNR, clarification of HHL of Humuula.

x) 6/7/82 Letter to Hideo Murakami - verification of HHL of Humuula.

y) 6/28/82 Letter to GKP - response to both 12/9/81 and 6/7/82 letters.

z) 7/29/82 Letter to Hideo Murakami - verification of HHL of Humuula responds to questions raised by 6/28/82 letter.

aa) 12/16/82 Letter to GKP acknowledging 11/18/82 memo requesting return of 2.937 acres covered under GL #S-3697 upon expiration.

bb) 12/23/82 Letter to GKP - returns 2.937 acres covered under GL #3697 to DHHL.

Land Inventory Summary:

CSF 5313 49,100.0 acres

Tax Map Key References:

3-8, 3-8-01

-ooOoo-

- R E S O L U T I O N -

NO. 5

SELECTION OF THE LANDS OF HUMUULA

ISLAND OF HAWAII

-ooOoo-

RESOLUTION NO. 5.

WHEREAS, under the provisions of Section 203 of the Hawaiian Homes Commission Act, 1920 (Revised Laws of Hawaii, 1925, Section 532), certain lands to be selected by the Hawaiian Homes Commission from the lands of Humuula Mauka, in the District of North Hilo, Island of Hawaii, are designated as "available lands," in words and figures as follows:

> "fifty-three thousand acres to be selected by the commission from the lands of Humuula Mauka, in the district of North Hilo; ";

and

WHEREAS, it appears to said Hawaiian Homes Commission, after due consideration, that the government lands of Humuula Mauka hereinafter described, are suitable lands to be selected for the purposes of said Act and in accordance with its provisions;

NOW, THEREFORE, BE IT RESOLVED, BY THE HAWAIIAN HOMES COMMISSION:

(1) That pursuant to the provisions of said Hawaiian Homes Commission Act, 1920, and the powers therein granted to

said Commission, those certain government lands of Humuula Mauka in the District of North Hilo, County of Hawaii, Island of Hawaii, Territory of Hawaii, containing an area of forty-nine thousand and one hundred (49,100) acres, described by metes and bounds in the description hereto attached, marked "Exhibit A", and in the plan and description of said lands filed in the office of the Territorial Survey Department as "C. S. F. No. 5313", a copy of which said plan is hereto attached marked "Exhibit B", which Exhibits are hereby referred to and made a part hereof, be, and they hereby are, selected as available lands for the purposes of said Act; and

(2) That said lands be, and the same hereby are designated as Hawaiian home lands within the meaning and for the purposes of Section 201 of said Act (Revised Laws of Hawaii, 1925, Section 330) and all other applicable provisions of said Act; and

(3) That the Chairman of said Commission be, and he hereby is, authorized and requested to transmit a certified copy of this Resolution to the Secretary of the Interior of the United States for his approval of this Resolution and the

selection of lands herein made.

Dated at Honolulu, T. H. this 27th day of June, 1929.

(Lawrence M. Judd)
Chairman of the Hawaiian Homes
Commission

I certify that the foregoing Resolution was duly and unanimously adopted by the Hawaiian Homes Commission on the 27th day of June, 1929, at a meeting of said Commission duly held on said date.

(A.M. Duncan)
Executive Officer and Secretary
Hawaiian Homes Commission.

FEDERAL-STATE TASK FORCE REPORT
GOVERNOR'S EXECUTIVE ORDERS

GEO NO.	DATE	TO WHOM AND USE	ACREAGE	CANCELLED/WITHDRAWN	CURRENT STATUS
ISLAND OF HAWAII					
KAMAOA-PUUEO:					
258	10/15/26	U.S. War Department for aeroplane landing field	517.00	By Pres. E.O. No. 10189 dated 8/30/51 Lands were turned over to Terr. E.O. 258 & 869 are being processed for cancellation by DLNR.	4.475 acres of the lands are now under G.L. 213 to DOT, 10-3-83 to 10-2-38, with three reopeners. Other portions are not encumbered (except a portion of 21.296 ACS under Lease No. 6332) to the U.S. which is in process of cancellation and 6.195 ACS condemned by U.S. in 1962 under Civil No. 2017).
869	2/06/40	U.S. War Department for addition to Morse Field	102.38		
1609	1/11/54	County of Hawaii boat landing and public park. (This acreage is already reflected in the above two G.E.O.s). TMK 9-3-1	28.00 720.18	E.O. 3273, 12/27/84	
PUUKAPU:					
1337	7/19/49	Board of Agriculture and Forestry for 17.48 acres addition to Kohala Reserve, of which 2.48 acres are Hawaiian home lands.	2.48	E.O. 3272, 12/27/84	Not encumbered.
1707	12/01/55	Hawaiian Irrigation Authority for reservoir site and easements A, B, C, and D.	22.60	E.O. 3271, 12/27/84	Not encumbered.
1789	5/21/57	Hawaii Aeronautics Commission for Kamuela Airport.	40.60		Land Exchange to DLNR, 4/23/86.
1859	9/02/58	Hawaii Aeronautics Commission for avigational beacon lights.	0.07	E.O. 3183, 3/10/83	Not encumbered.

EXHIBIT "B"

EXHIBIT B

LISTING OF GOVERNOR'S EXECUTIVE ORDERS

GEO NO.	DATE	TO WHOM AND USE	ACREAGE	CANCELLED/WITHDRAWN	CURRENT STATUS
ISLAND OF HAWAII (Continued)					
2262	2/10/66	Board of Water Supply, County of Hawaii for tank site and road easement.	0.23	E.O. 3272, 12/27/84	
2333	8/28/67	Board of Water Supply, County of Hawaii for water pump site.	0.04 68.10	E.O. 3273, 12/27/84	License #234, 50 yrs., 12/28/86 to 12/27/2036; 100 water commitments.
KAMOKU-KAPULENA:					
1067	5/12/44	Board of Agriculture and Forestry for addition to Hamakua Forest Reserve.	20.33	E.O. 3771, 12/27/84	Not encumbered.
HUMUULA:					
1653	8/24/54	Board of Agriculture and Forestry for public hunting ground and game reserve. Gross area - 11,159.90 acres. Net area - 11,123.80 acres.	11,123.80	E.O. 3271, 12/27/84	Not encumbered.
KEAUKAHA (WAIAKEA KAI):					
1271	11/10/48	Civil Aeronautics Administration for range site	3.91		E.O. not cancelled, FAA claims title.
1841	4/30/58	Hawaii Aeronautics Commission for addition to Hilo Airport.	91.60		Land Exchange to DLNR, 4/23/86.
1280	11/23/48	Civil Aeronautics Administration for radio beam	50.00 145.51	By quitclaim deed dated 1/20/67, lands granted to State, subject to FAA 1.73 acre access road and 0.12 acre powerline easement.	

*Note: Land returned to Commissioner of Public Lands by HHC Res. No. 85, set aside for Civil Aeronautics Administration by GEO No. 1280, withdrawn from status of Hawaiian home lands by Congressional Act of June 12, 1948 (62 Stat. 387) with condition that if no longer needed by Department of Commerce, land to revert to status of available lands; by Quitclaim Deed dated 1/20/67, land was granted back to State subject to 1.73 acre FAA access road and 0.12 acre for powerline easement; DHHL exercising control over lands except FAA access road and powerline easement.

EXHIBIT B

LISTING OF GOVERNOR'S EXECUTIVE ORDERS

GEO NO.	DATE	TO WHOM AND USE	ACREAGE	CANCELLED/WITHDRAWN	CURRENT STATUS
ISLAND OF MAUI					
KAHIKINUI:					
1411	1/17/51	This EO merely withdrew 30 acres of lands of Kahikinui from forest reserve not further set aside by any other governor's action.	30.00	Withdrawn from F.R. Proc. of 12/22/28 and restored (in effect) the 30 acre land to DHHL	Not encumbered.
KULA:					
2493	12/16/69	Department of Health for Kula Sanitarium site; water tank sites 1 and 2; water pipeline easements A, B, C, D, and F; incinerator site; and road easements E-1, E-2, E-3.	0.52	E.O. 3274, 12/27/84	Not encumbered.
			1.28		
2494	12/10/69	Board of Water Supply, County of Maui for water tank site No. 3; road easements 1-A, 1-B, 1-C, 1-D, and 3; and water pipeline easements E-1, E-2, and E-3.	0.76	E.O. 3275, 12/27/84	Not encumbered.
ISLAND OF MOLOKAI					
HOOLEHUA-PALAAU:					
809	7/15/38	Superintendent of Public Works for addition to Molokai Airport.	20.78	E.O. 3136, 3/23/83	Land Exchange to DLNR 4/23/86.
831	12/23/38	Department of Public Instruction for the Molokai Intermediate School site.	9.65	E.O. 3150, 3/23/83	Rev. License #10, 11/6/51, 6 months revocable (area of E.O. 831 is a part of 24.194 acres under License #10).

LISTING OF GOVERNOR'S EXECUTIVE ORDERS

GEO NO.	DATE	TO WHOM AND USE	ACREAGE	CANCELLED/WITHDRAWN	CURRENT STATUS
ISLAND OF MOLOKAI (continued)					
1037	4/28/38	Hawaii Aeronautics Commission for addition to Molokai Airport. (37.502 acres for avigational easement of which 14.22 are under DHHL).	14.22	E.O. 3192, 5/25/83	Land Exchange to DLNR, 4/23/86.
			44.65		
KALAMAULA:					
1166	9/22/46	Board of Agriculture and Forestry for Rangers Station and nursery site.	7.00	E.O. 3271, 12/27/84	Not encumbered.
ISLAND OF OAHU					
NANAKULI:					
563	3/25/33	Department of Public Instruction for Nanakuli School.	5.13	E.O. 3268, 12/27/84	Not encumbered.
1124	11/02/45	Park Board, City and County of Honolulu for addition to Nanakuli Beach Park.	4.09	E.O. 3269, 12/27/84	Part of License #213 12/28/86 to 12/28/91.
1194	6/25/47	Department of Public Instruction for addition to Nanaikapono School.	1.56	E.O. 3268, 12/27/84	Not encumbered:
1579	9/09/53	Withdrawing 1,000 square feet or .02 acre from G.E.O. 1195 and set same aside as an addition to the Nanaikapono School site but under the control and management of the City and County of Honolulu.	0.02	E.O. 3269, 12/27/84	Not encumbered.
WAIMANALO:					
1393	9/11/50	Board of Parks and Recreation, City and County of Honolulu as a site for public park.	20.00	E.O. 3269, 12/27/84	License #213, 12/28/86 to 12/26/91.
			87.87		

EXHIBIT B

LISTING OF GOVERNOR'S EXECUTIVE ORDERS

GEO NO.	DATE	TO WHOM AND USE	ACREAGE	CANCELLED/WITHDRAWN	CURRENT STATUS
ISLAND OF OAHU (Continued)					
PAPAKOLEA:					
1152	4/26/46	Park Board of the City and County of Honolulu for a public park.	0.87	E.O. 3269, 12/27/84	License 8184, 12/27/84 to 12/26/85.
ISLAND OF KAUAI					
WAIMEA:					
1510	5/15/52	Withdrawn 801 acres from the Puu Ka Pele Forest Reserve and sets same aside to the Board of Agriculture and Forestry to be used as territory park and forest reserve.	801.00	E.O. 1510 is existing & land being used as state park.	This area is being claimed by DHHL under Land tenure report research.
ANAHOLA:					
139	3/26/23	3.74 acres set aside as a school site. Evidence suggest these lands were cane lands at time of passage of HHCA and therefore very possibly not Hawaiian home lands.	3.74	E.O. 139 is existing.	Not Hawaiian home lands.
3690	7/13/55	Board of Supervisors, County of Kauai. Anahola Beach Park.	1.54	E.O. 3176, 12/27/84	ROE 858.
			5.28		

SUMMARY OF GOVERNOR'S EXECUTIVE ORDERS

ISLAND	NUMBER	ACREAGE	AREA UNDER DHHL CONTROL	AREA NOT UNDER DHHL CONTROL
Hawaii	14	12,083.90	12,056.843	27.050
Maui	3	31.28	31.28	
Molokai	6	51.65	51.65	
Oahu	12	1,466.80	110.33	1,356.47
Kauai	3	806.28	1.54	801.00
	38	14,439.91	12,251.642	2,184.520

Note: Of these 38 executive orders listed above, two (2) are in the process of being formally cancelled. EO's # 250 & 869 (Kamaoa-Puueo) are being considered for formal cancellation by DLNR and EO-1510 (Waimea) is under study also for cancellation. (EO-139 does not cover HHL and not included in last column). (Also under study, but not included in above list are EO-1153 for 0.946 AC in Lualualei and EO-1023 for 3.397± ACS in Waimanalo, both to the U.S. Navy).

EXHIBIT B

FEDERAL-STATE TASK FORCE REPORT

GOVERNOR'S PROCLAMATIONS
FOR FOREST RESERVES

ISLAND/PROC. DATE	LOCATION	ACREAGE	CANCELLED/WITHDRAWN	CURRENT STATUS
ISLAND OF HAWAII				
Kohala Forest Reserve:				
12/22/28	Pauahi	40.00 acres (approx.)	E.O. 3270, 12/27/84	Not encumbered.
4/13/32	Puukapu	91.50 acres	E.O. 3270, 12/27/84	Not encumbered.
		131.50 acres		
4/13/32	Puukapu	(71.00 acres)	(not cancelled)	This area is under study and being covered by land tenure report research.
Hamakua Forest Reserve:				
12/22/28	Nienie	612.00 acres	E.O. 3270, 12/27/84	Not encumbered.
12/22/28	Kapulena	445.55	E.O. 3270, 12/27/84	Not encumbered.
	Waikoloa-Waialeale (Richard Smart Land)	289.14	E.O. 3270, 12/27/84	Not encumbered
		1,346.69 acres		
Mauna Kea Forest Reserve:				
5/23/38	Humuula	4,117.00 acres	E.O. 3270, 12/27/84	Not encumbered.
	TOTAL - HAWAII	5,666.19 acres		
ISLAND OF MAUI				
Kahikinui Forest Reserve:				
12/28/28	Kahikinui	8,747.00 acres	E.O. 3270, 12/27/84	Not encumbered.
	Less G.E.O. 1411	30.00	E.O. 3270, 12/27/84	Not encumbered.
	TOTAL - MAUI	8,717.00 acres		

EXHIBIT C

EXHIBIT "C"

FEDERAL-STATE TASK FORCE REPORT

GOVERNOR'S PROCLAMATIONS
FOR FOREST RESERVES

ISLAND/PROC. DATE	LOCATION	ACREAGE	CANCELLED/WITHDRAWN	CURRENT STATUS
ISLAND OF MOLOKAI				
Molokai Forest Reserve:				
3/24/30	Palaau, Apana 3	233.68 acres	E.O. 3270, 12/27/84	License No. 215, (5 years), 12/28/86 - 12/28/91
3/24/30	Portion of Kalaupapa	380.00	E.O. 3270, 12/27/84	Not encumbered.
	TOTAL - MOLOKAI	610.00 acres		
ISLAND OF OAHU				
Nanakuli Forest Reserve:				
10/17/30	Nanakuli Forest Reserve	180.00 acres	E.O. 3270, 12/27/84	Not encumbered.
1/03/23	Waimanalo Forest Reserve	1,413.00 acres	E.O. 3270, 12/27/84	Not encumbered.
	TOTAL - OAHU	1,593.00 acres		
ISLAND OF KAUAI				
Puu Ka Pele Forest Reserve:				
5/2/30	Waimea (CSF 8599)	7,600.00 acres	(not cancelled, but open to questions)	This area is under study and covered by land tenure report research.
	TOTAL - KAUAI	(none)		
	TOTAL - ALL ISLANDS	16,586.19 acres	(This acreage does not include the two uncancelled proclamations under study)	

EXHIBIT C

EXHIBIT "D"

Humuula, Hawaii			
License 161	Hawaiian Telephone Co.	2.9 acres	Formerly G.L. S-3697, new license issued at appraised rents
G.L. S-3849	U.S. Army	295.0 acres	8/17/64 to 8/16/29 at $1.00 for term for training
Kamaoa-Puueo, Hawaii			
G.L. S-3752 (Parcel C)	U.S. Navy	11.7 acres	Terminated 10/8/82 and lands returned to DHHL control
Kekaha, Kauai			
G.L. S-3852	U.S. Navy	25.7 acres	8/20/64 to 8/19/29 at $1.00 for term for storage area
Nanakuli, Oahu			
G.L. S-3813	U.S. Navy	0.3 acres	Found not to be Hawaiian home lands
Lualualei, Oahu			
	Research Corp., Univ. of Hawaii	14.4 acres	Part of 3/25/86 land exchange, no longer Hawaiian home lands

EXHIBIT "D"

EXHIBIT "D"

Excerpts from "Legal Aspects of the Hawaiian Homes Program"
Legislative Reference Bureau
February 24, 1964
Pages 14 through 16

Subleasing, Agistment and Pineapple Contracts

The HHCA, 1920, is specific in prohibiting subleasing. Recently, the Attorney General re-emphasized this prohibition by ruling that the Department does not have the authority to approve a lessee's plan to subdivide her tract and to sublease a portion of such tract to her daughter. He has also ruled that the lessee of Hawaiian home lands is prohibited by statute from subleasing his interest in the tract or the improvements thereon (Opinion No. 61-65 of June 9, 1961).

Certain arrangements, however, have been authorized as not being subleases. Among these are agistments and pineapple contracts. The Attorney General has defined an agistment as an arrangement by a lessee for:

> . . . the pasturing of cattle or similar animals as a bailee in consideration of an agreed price to be paid by the owner (Letter Opinion of January 7, 1954; HTY:md; 466:25).

These arrangements have been approved where the contract does not: (1) prevent, or in any way interfere with, the continued exclusive occupancy of the entire homestead by the homesteader; (2) preclude self-employment by the homesteader on his homestead; (3) contain terms and conditions so oppressing in nature as to mitigate against the rehabilitation of the homesteader; and (4) occasion a transfer or other disposition, directly or indirectly, of an interest in the homestead (Letter Opinion of December 18, 1952; FWH:md; 714:25). For examples where arrangements have been called agistments but have been held to be subleases, see Letter Opinion of August 28, 1953; ENS:md; 953:25 and Letter Opinion of January 7, 1954; HTY:md; 466:25.

Pineapple contracts are common to the Island of Molokai. It is an agreement whereby the homesteader contracts to allow a pineapple company to use his land to grow pineapples and in return he receives fixed payments per lot plus a share in the profits from the pineapple company. These contracts have been the subject of a series of decisions by the Attorney General and have been the subject of review by one of the state circuit courts.

EXHIBIT "E"

The first opinion (Opinion No. 1168 of September 23, 1924) held that a pineapple contract was valid as long as a lessee did not in any manner transfer, mortgage, pledge, or otherwise hold his interest in Hawaiian home lands for the benefit of such a company, nor for any other person, excepting a native Hawaiian. The second opinion appeared in 1926 which stated:

> Under the Hawaiian Homes Commission Act of 1920, a cropping contract which merely provides that, upon neglect by the lessee properly to cultivate the crop on which advances have been made, the party making said advances may take possession of said growing crop and mature and harvest same, but without any provision for foreclosure and without any right to sell said crop, does not violate the provisions of said Act against transferring or assigning the lessee's interest in the tract; any such cropping contract may lawfully be entered into between the lessee under said Act and a pineapple company (Opinion No. 1388 of October 28, 1926).

This opinion was overruled in 1941 which stated:

> A provision in a contract between homesteaders on Hawaiian home lands and a pineapple company giving the company a lien on growing crops and fruit together with a right to enter upon the land and to cultivate and harvest the crops in case of default is repugnant to section 208(5) of the Hawaiian Homes Commission Act, 1920, as amended (Opinion No. 1786 of October 31, 1941).

However, pineapple contracts were later upheld when: (1) the new contracts which were submitted to the Attorney General's Office excluded the objectionable features of the contract ruled upon in Opinion No. 1786; and (2) it seemed that the United States Congress, in amending sections 209 and 216 of the Hawaiian Homes Commission Act in 1937, had by implication ratified the contracts then in existence which included a lien on pineapple crops and a right to enter upon the homesteads. In that opinion the Attorney General reasoned that Congress must have ratified such contracts by implication since such amendments were based on House Concurrent Resolution No. 22 of the 1937 session which in turn were based on the findings and recommendations of a Joint Hold-Over Committee which was established by the 1935 session of the Legislature to study thoroughly the Hawaiian home program, including the cooperative block planting system (Letter Opinion of March 31, 1945; CNT:AH; 322:5849:20:25).

In 1955 the Attorney General reviewed all prior opinions and came to this conclusion:

> We have carefully reviewed the prior opinions of this office and it is our opinion that the three pineapple contracts now in existence between the homesteaders and Libby, Calpac and Pacific Pine are legal. We adopt and affirm the findings, conclusions and reasoning of the opinion rendered by Mr. Tavares (Letter Opinion dated March 31, 1945, above). After a careful consideration of all the references set forth by Mr. Tavares in his opinion, we are unable to avoid the conclusion that Congress must have considered the then existing cooperative block planting agreements in adopting its amendments to Secs. 209 and 216 of the Hawaiian Homes Commssion Act, for Report No. 1138 of the Committee on the Territories in the House of Representatives, accompanying House Resolution 7374 in the 75th Congress recites expressly as follows: ". . . The purposes of this bill is to make various changes in the Hawaiian Homes Commission Act of 1920. The amendments are the result of nearly 2 years of study and discussions of the Hawaiian Homes project as in operation under existing law by the recently reorganized Hawaiian Homes Commission, and a hold-over committee of the Legislature of Hawaii, and was adopted by the legislature at its regular biennial session in 1937 and approved by the Governor. . . ." (underlining added) (Letter Opinion of March 29, 1955; RKF:mlk;223:20:OLC:25).

On November 25, 1960, in the Circuit Court of the Second Circuit, in the case of Mrs. Victoria Kaeo Adolpho, et al., Plaintiffs, vs. Gladys L. Kealoha, et al., Defendants, Civil No. 243, the Court held:

> That the contract which forms the basis for this action, being pineapple block planting contract executed on July 31, 1957 by the defendant Gladys L. Kealoha and by other Hawaiian Homes Commission Homesteaders as planters, by California Packing Corporation as buyer, and by the Hawaiian Homes Commission, . . . is valid in all respects and does not violate any provision of the Hawaiian Homes Commission Act 1920, as amended.

HAWAIIAN HOME LANDS SITES ON THE STATE AND FEDERAL REGISTER OF HISTORIC SITES

U.S.G.S. Quad. Map	Site Location	Site Number	Site Name	Hawaii Registered	National Registered
H-75	Kamaoa, Ka'u, Hawaii TMK: 9-3-01: 1, 3, 7, 11	10:75:4140	South Point Complex		12-29-62 (1962 NHL)
H-75	Kamaoa, Ka'u, Hawaii TMK:9-3-01: portion of 2	10:76:10230	Mahana Archaeological District	03-15-86	10-14-86
H-75	Kamaoa, Ka'u, Hawaii TMK: 9-3-01: portion of 2	10:76:10231	Kapalaoa Archaeological District	03-15-86	
K-04	Anahola, Kauai TMK: 4-8-07: 01	30:04:0116	Anahola Dune Burials	06-30-81	
K-05	Waimea, Kauai TMK: 1-2-02: 23	30:05:0016	Hauola Heiau	01-14-78	
M-10	Kula, Maui TMK: 2-2-04: 63 (new SS)	50:10:1036	Papakea Heiau	05-18-81	
M-10	Kula, Maui TMK: 2-2-02: 14 (New SS)	50:10:1037	Molohai Heiau	05-18-81	
M-10	Kula, Maui TMK: 2-2-02: 14	50:10:1038	Kaumiumiua Heiau	05-18-81	
M-10	Kula, Maui TMK: 2-2-02: 14	50:10:1040	Kaimipeelua Heiau	05-18-81	
Mo-02	Hoolehua, Molokai TMK: 5-2-05: 19	60:02:0016	Anahaki Gulch Complex	05-18-81	
Mo-03	Kalawao, Molokai TMK: 6-1-01	60:03:1024	Kalaupapa Leprosy	05-18-81	01-07-76 (1976 NHL)

Source: State of Hawaii, Department of Land and Natural Resources, Historic Sites Division.

EXHIBIT "E"

DEPARTMENT OF HAWAIIAN HOME LANDS

IMPORTANT NOTICE REGARDING THE HAWAIIAN HOMES COMMISSION'S REVIEW OF THE DISPOSITION OF THE 1952 WAIMEA PASTORAL WAITING LIST AND ITS RESOLUTION

1. A STATEMENT OF THE ISSUE

Since its termination in 1956, there has always been a great deal of uncertainty, confusion and argument regarding the 1952 Waimea Area Waiting List for Pastoral Leases (hereinafter referred to as the "1952 Waiting List") continuing to the present on whether or not the termination of the Waiting List was in fact legal and fair. In 1982, in response to the many queries and concerns consistently raised by residents in the Waimea area who were applicants on this list, the Department instituted an in-depth investigation into the circumstances surrounding the disposition of the 1952 Waiting List. This investigation was completed and presented to the Hawaiian Homes Commission at its Public Meeting in Waimea on September 29, 1983, in which it received input from applicants who are on the current and 1952 Waiting Lists. At its regularly scheduled monthly public meeting on November 17, 1983, at Paukukalo, Maui, after reviewing all evidence and testimony, the Hawaiian Homes Commission took action to reinstate the 1952 Waimea Pastoral Waiting List subject to conditions and procedures outlined in paragraph (8) beginning on page 5. A summary of the investigation from the list's origination to the action taken by the Hawaiian Homes Commission is shown below.

2. ORIGINATION OF THE LIST

On December 15, 1951, the Hawaiian Homes Commission (HHC) gave approval to accept applications for Waimea awards up to and including January 31, 1952.

A letter dated May 19, 1952 signed by the then Chairman, Samuel Wilder King, was apparently sent to all applicants. The letter included the following information:

a. Available area totalled 18,000 acres of pastoral land previously general leased in Waimea (consisting of the lands of Nienie and portions of Puukapu, Kamoku and Kapulena) and the HHC was subdividing this area into 48 pastoral lots, 8 farm lots, and 77 house lots, and an irrigated pasture. A section of Puukapu was held back for future determination.

b. It was proposed that each homesteader would be awarded a houselot together with a pastoral or farm lot, resulting in a total of 56 house lots assigned to the pastoral and farm lessees with 21 additional houselots for those who applied for houselots only.

c. A total of 427 applications were filed for homesteads on or before the deadline of January 31, 1952.

d. For various reasons outlined in the letter, the HHC felt it necessary to screen the applicants based on the applicant's eligibility without regard to whether the children of the applicant would be qualified to the lease or not; the HHC felt such limitations would not be in accordance with the provisions of the law.

e. The criteria to be used in the screening of applicants were:

   1) The applicant was not less than one-half Hawaiian.

   2) The applicant's age and experience gave some assurance of success.

EXHIBIT "G"

3) The applicant's family and resources indicated a need for help in establishing a self-supporting family unit.

f. After careful consideration of each application, two lists (one for pastoral and the other for farm lots) would be compiled of those applicants deemed most qualified. In two separate drawings, all of the names on these two lists would be given priority numbers and the final selections made. The drawing was scheduled for June 11, 1952.

g. After the drawings, the HHC would further screen successful applicants by personal interviews to verify that they are prepared to move onto their homesteads within one year from the date of the execution of their leases, and, if any successful applicants were eliminated, the subsequent numbers on the priority lists would be moved up into the group entitled to make a choice of a lease.

On June 11, 1952, the HHC held a special meeting "called for the purpose of establishing a priority list for the awarding of leases of lots of Hawaiian Home Lands in the vicinity of Waimea comprising of pasture, farm and houselots." A priority list of applicants numbered 1 through 187 for the 48 pastoral lots and 1 through 27 for the 8 farm lots was drawn and established. Pastoral awards were made to the first 48, leaving a remainder of 139 applicants; this is the "1952 Waiting List".

On June 15, 1952, in response to a letter from the Waimea Civic Club requesting that the HHC "hand-pick" those qualified and needy applicants for farm lots, the HHC ruled that they could not hand-pick applicants because the Commission had already committed itself to selection by numbers.

3. SUBSEQUENT ACTION SETTING A TERM FOR THE 1952 WAITING LIST

On October 20, 1952, the HHC passed a motion unanimously that all Waimea applications remain in effect for a period of three years after which the application will be considered as void. A search of existing records revealed signed copies of an apparent notification to all applicants. However, no reference to any time limit is included.

At its regular meeting of October 14, 1954, the HHC moved and approved that the Policy Manual as set up by the Legislative Reference Bureau be adopted retroactive to January 31, 1953. The policies were general in defining procedures and set up procedures in determining active and deferred applications. As a matter of information, procedures on cancellations of applications were not included.

4. CANCELLATION OF THE 1952 WAITING LIST

The following information was obtained from a review of HHC minutes for various periods when the 1952 Waiting List was discussed until its cancellation on June 30, 1955, although this cancellation was actually implemented on May 14, 1956.

a. HHC meeting of October 21, 1955:

The matter of continuing the Waimea applications of those who were in the drawing in 1952 and those not in the drawing was discussed at this time. It was noted, a previous Commission had taken action that these applications would remain in force for 3 years after the drawing, or until June, 1955.

One opinion was that the applicants should be placed in a "dead file" and only applicants who could show their ability to work and are properly screened should be put on the pastoral lots. After further discussion, however, action was deferred.

b. HHC Meeting of March 9, 1956:

The Executive Director reported that in the recent exchange of lands with Parker Ranch, a portion of the lands of Waikoloa on Hawaii will be turned over to the Commission. This area would provide three pastoral leases.

A discussion was held regarding the disposition of the applicants who were in the June, 1952 drawing for the Waimea pastoral lots, beginning with No. 17 down to and including No. 137. The question posed was whether these lots should be assigned to the first three (3) applicants in line on the 1952 List.

The Executive Director stated the Commission would have to make some decision as to what they wanted done.

The Commissioners felt that the drawing for these 3 lots should be thrown open to everyone rather than those who were left from the drawing for the Waimea lots in 1952.

After some discussion, the following action was taken:

> The drawing for the 3 pastoral lots at Waikoloa, Hawaii be thrown open to all islands, and the selections be made according to the Commission's policy manual. Carried unanimously.

Please note this motion did not specifically reaffirm the three-year limitation nor did it cancel the 1952 list: it appeared to be more an inclusionary and expansive measure; i.e., to include more people rather than restrict.

c. HHC Meeting of May 11, 1956:

In response to a letter from the Hawaiian Civic Club of Waimea, Hawaii, dated May 7, 1956 regarding the list of applicants who were in the drawing June, 1952 for Waimea homesteads, it was noted that action was taken at the last meeting to void all the present applicants in the 1952 drawing and any further Waimea homesteads should be open to all islands applications. The Executive Director stated he would advise the Club. There is no record of any action taken on the Waimea list at the "last meeting" (the meeting of April 12, 1956); the only prior record in which action was taken is the March 9, 1956 meeting identified in paragraph 4 (b) above.

d. A memo dated May 14, 1956, from Executive Director to Project Manager of the Waimea homesteads states:

"Please be advised that the list of applicants in the drawing of June, 1952 for Waimea homesteads is cancelled as of June 30, 1955. You may now accept applications for Waimea homesteads which will be acted upon areas that are available."

There is no record of notification sent to the applicants regarding cancellation of their application, although addresses were available.

5. ESTABLISHMENT OF THE 1958 WAIMEA PASTORAL LIST

The memo dated May 14, 1956, described in paragraph 4(d) above cancelled the 1952 Waimea Pastoral List as of June 30, 1955 and allowed the Department to begin accepting new applications. There apparently had existed a long-standing policy within the Department until 1972 to "unofficially" accept applications for official recognition later when new areas actually opened up for awards. This appears to have been the case in establishing a list of applicants for award of four pastoral lots in Kamoku in 1958.

Another applicant on the 1958 Waiting List actually submitted the application in 1954 when the Department was not authorized to accept any applications since the 1952 Waiting List was still in effect.

As a matter of information, five of the twenty applicants on the 1958 Waiting List are also on the 1952 Waiting List.

On November 20, 1958, the HHC awarded three Kamoku lots to applicants as they were drawn for the four lots. The fourth applicant awarded was held up pending an interview of the applicant by the HHC; this lot was subsequently awarded to the fifth ranked person. Rank numbers apparently were made through a drawing.

6. NOTICE PUBLISHED IN 1961 REGARDING THE TERMINATION OF EXISTING PASTORAL APPLICATIONS AND THE ESTABLISHMENT OF THE CURRENT LIST.

A research of the minutes for Hawaiian Homes Commission meetings during 1961 revealed that the Hawaiian Homes Commission reviewed the pastoral waiting list question at its meeting of May 26, 1961 and evaluated the procedure to use in awarding three available pastoral lots.

A summary of the discussion is shown below with the action taken described in paragraph (f):

a. Heretofore, two drawings for pastoral areas were held (1983 note: 1952 and 1958).

b. Those applicants remaining from the first drawing were cancelled before the second drawing was held.

c. The Commission discussed whether it should continue down the existing list (1983 note: presumably the 1958 list of twenty names with three awards made and three applications cancelled or a list of fourteen names remaining) to award the three lots in question or accept new applications.

d. One Commissioner suggested all individuals on the original list to be advised that a decision was reached by a previous Commission to compile a new list and the Commission has been following the new list.

e. A second Commissioner suggested the Commission follow the present list and if any awards are made, the applicants be screened again in case of any change in their status.

f. A third Commissioner suggested that instead, a whole new list should be compiled and that all applicants be notified that they will have to re-file again for the drawing of these three lots.

After further discussion, this suggestion was made into a motion that this procedure be followed and was carried unanimously.

In June, 1961, a public notice was published in the Honolulu Advertiser which was dated June 1, 1961 and published for ten days throughout June, 1961. This notice included the following paragraph:

> "All pastoral lot applications up to and including May 1, 1961, have been declared null and void by the Commission of the Department of Hawaiian Home Lands."

On April 27, 1962, the HHC discussed the matter of awarding pastoral and farm lots with the Executive Director pointing out if those who did not receive pastoral or farm awards in the recent awards (presumably referring to the 1958 and 1961-1962 awards) should still be considered or whether a new list should be formed for future awards.

It was moved and carried unanimously "that the entire list of applications for pastoral and farm lots be kept intact and that the staff accept new applications that may be filed. Carried Unanimously".

The new list, therefore, was established in 1961 and, at November 17, 1983 showed 302 applicants for pastoral lots on the Hawaii Island-Wide List.

In discussions with the Attorney General's office, it appears that the lack of direct notification to the 1952 Waimea List and the 1961 public notice may not have been sufficient notification to the 139 applicants to justify terminating their application rights and they, in fact, may still be applicants in good standing.

7. IMPACT OF THE RESOLUTION INVOLVING THE ADDITION OF THE 1952 WAITING LIST TO THE CURRENT WAITING LISTS AS OF NOVEMBER 17, 1983

A summary of the current Waiting List and the impact of adding the 1952 Waiting List is shown below:

CURRENT HAWAII ISLAND-WIDE LIST	
Waimea	174
Remainder Island-Wide	128
Total Current List	302
Less those on 1952 List	(8)
Net Current List	294

1952 WAITING LIST		
Original List		139
Less: Awards	10	
Cancelled	3	
Deceased (est.)	10	(23)
Net 1952 List		116
TOTAL OF LIST, NET CONSOLIDATED		410

8. HAWAIIAN HOMES COMMISSION ACTION OF NOVEMBER 17, 1983

After evaluating all of the evidence and testimony presented, the Hawaiian Homes Commission took the following action:

To approve the reinstatement of the 1952 Waimea Pastoral Waiting List to the current Waimea Area and Hawaii Island-Wide Pastoral Waiting Lists subject to the conditions and procedures outlined below:

a. The applicants will be ranked first in the order of their ranking on the 1952 Waimea Pastoral Waiting List on the Waimea Area and Hawaii Island-Wide Pastoral Waiting Lists.

The Hawaiian Homes Commission established a Policy Manual on October 14, 1954, retroactive to January 31, 1953. This manual established priorities by bloodline for awards which remained in effect until the Rules and Regulations were established on August 18, 1972; the latter implemented area listings while allowing existing priorities to remain in effect. The Rules and Regulations were further revised on November 14, 1977 to establish current island-wide list procedure.

Since the bloodline priority policies were not established until 1953 and the 1952 applications were accepted and prioritized by lottery, the 1952 applicants will not be required to meet the criteria established later and will retain their rank position established in 1952.

b. The effective date of such reinstatement will be after letters of notification have been sent certified to current applicants on the Hawaii Island-Wide Pastoral Waiting List (which includes the Waimea Area Waiting List) and any such current applicant has not requested a hearing before the Hawaiian Homes Commission to dispute such action within thirty (30) days of receipt of such notification pursuant to Section 10-3-3 of the Department's Administrative Rules, as amended.

If such requests for a hearing are received, the effective date of reinstatement will be postponed pending disposition of such requests by the Hawaiian Homes Commission.

c. If such requests for a hearing are not received, letters of notification will be sent certified to the applicants on the 1952 Waimea Pastoral Waiting List and the current applicants on the Hawaii Island-Wide Pastoral Waiting List informing them of the Hawaiian Homes Commission action.

d. To assure maximum receipt of the letters of notification described in paragraph (8b) and (8c) above, such letters of notification will be preceded by a postcard notice informing applicants that an important notice is being sent to them certified.

e. That successorship of application rights be provided as follows:

    1) Qualified spouses of applicants on the 1952 Waimea Pastoral Waiting List who died after August 18, 1972 but prior to November 14, 1977 be eligible to apply to succeed to the application rights.

    2) Qualified spouses of applicants on the 1952 Waimea Pastoral Waiting List who died after November 14, 1977, or, if the spouse is not qualified, qualified children, be eligible to apply to succeed to application rights within six months of the effective date of reinstatement described in paragraph (8b) above. Note that under Administrative Rules Section 10-3-8, a non-qualified spouse has to be living and designate qualified children in order for them to succeed. The children themselves are not eligible to apply to succeed. Note also that qualified children of a qualified spouse are not eligible to succeed under this Rule.

The Department established its Rules and Regulations on August 18, 1972 which provided for a successorship policy, by allowing a qualified spouse only to succeed to the application rights of a deceased applicant. A subsequent amendment adopted on November 14, 1977 broadened this rule to include qualified children, if the spouse was not native Hawaiian, and set a term of six months from date of applicant's death to apply. Since the 1952 Waiting List applicants were provided successorship of application rights without a time period after August 18, 1972 and prior to the

November 14, 1977 amendment, qualified spouses of 1952 applicants who died after August 18, 1972 are eligible to succeed to the application rights. Qualified spouses of deceased applicants, and qualified children of deceased applicants if spouses are not qualified, who died after November 14, 1977 are also eligible to apply for the application rights within six months from receipt of notification of the applicants' reinstatement provided the death of the applicant occurred after November 14, 1977. Note that for qualified children of a non-qualified spouse to succeed, the non-qualified spouse must designate the child as successor to application rights, per Rule 10-3-8. Note further that qualified children of a qualified spouse are not eligible to succeed.

f. Letters of notification described in paragraph (3c) above will also be published in the two major daily newspapers in the State and the major newspaper on the island of Hawaii and the Ka Nuhou together with letters of notification to Hawaiian Homes Community Associations.

g. The Department's staff will assist applicants on the 1952 Waimea Pastoral Waiting List in re-establishing their application files through workshops arranged in Honolulu and Waimea.

Pastoral Homestead Guidelines with Notes

1) THAT THE AWARDING OF PASTORAL HOMESTEAD LOTS IS TO PRESERVE A LIFESTYLE WHICH INCLUDES ALLOWING FOR THE PRODUCTION OF LIVESTOCK TO SATISFY FAMILY NEEDS AND SUPPLEMENT FAMILY INCOME.

The department does not award "economic" pastoral units. Rather, it is awarding entitlements which allow for the raising of livestock to satisfy family needs for consumption and for supplementary income. An "economic unit" by today's standards may consist of 1,000 acres or more of unirrigated pasture.

The land use and cost implications of this fact and the number of people on the pastoral waiting list do not make the "economic unit" feasible to use as a basis for awarding pastoral homesteads.

2) THAT APPLICANTS ON THE ENTIRE PASTORAL WAITING LIST NEED TO BE CONSIDERED IN THE AWARDING OF PASTORAL HOMESTEAD LEASES.

The department has made a commitment to all applicants on the pastoral waiting list. It, therfore, is awarding pastoral lots at sizes which insure individual use by pastoral homesteaders.

3) THAT IN CONSIDERING LANDS FOR PASTORAL HOMESTEAD DEVELOPMENT THERE ARE COMPETING DEMANDS FOR RESIDENTIAL AND AGRICULTURAL HOMESTEADS AND FOR COMMERCIAL USES.

The land base of the Hawaiian home lands trust is finite and provides the base for present and future land entitlements to beneficiaries. The department endeavors to set aside lands for various uses through its master plans which take into consideration beneficiary demand, needs, and land characteristics.

It is important to realize that having competing demands means that lands best suited for pastoral use may be put to some other use if that use better addresses the overall needs of beneficiaries.

4) THAT BASIC INFRASTRUCTURE IMPROVEMENTS FOR PASTORAL HOMESTEAD LOTS, SUCH AS SUITABLE ACCESS, DOMESTIC WATER AND UTILITIES, SHOULD BE AVAILABLE.

The allowing of residences on all types of homestead lots requires the need to provide basic infrastructure. Infrastructure may take different forms and be at different levels of standards but basic improvements are necessary to allow for safe human habitation and for areas to qualify for consideration of various types of loan assistance.

There are trade-offs: Larger pastoral homestead lots may receive fewer improvements or improvements at a lesser standard because of cost. Choices have to be made with regards to:

-Lot configurations
-Homestead areas and their proximity to existing improvements
-Standards or levels of improvements to be constructed

EXHIBIT "H"

5) THAT THE COST PER LOT FOR INFRASTRUCTURE IMPROVEMENTS FOR PASTORAL HOMESTEAD LOTS IS TO BE COMPARABLE WITH THOSE FOR OTHER RESIDENTIAL AND AGRICULTURAL HOMESTEAD LOTS. ON-GOING MAINTENANCE COSTS ARE FACTOR IN THIS COST PER LOT EQUATION.

The department considers parity in investment as it relates to homestead lot development. the department is spending an average of between $35,000 - $55,000 per lot in developing infrastructure for residential and agricitural homesteads. Pastoral homestead development should be in the same range for infrastructure investment as it is for other homesteads. this is important in justifying expenditure of public funds through the CIP program.

6) THAT A MINIMUM PASTORAL HOMESTEAD LOT SIZE SHOULD BE BASED ON THE LAND'S NATURAL CARRYING-CAPACITY TO SUPPORT 2 ANIMAL UNITS FOR BEEF LIVESTOCK.

There is a requirement to utilize pastoral homesteads for pasture purposes. In additin, the requirement of having a pastoral homestead large enouhg to support at least 2 animal units of beef livestock. This provides for immediate and future consumption needs of a homestead family.

The quality of land for pastoral purposes is important. Generally, the better the land, the smaller the homestead lot need be to provide the homesteader with beef and meat supply.

7) THAT THE REGIONAL CHARACTER OF COMMUNITIES IS IMPORTANT AND THAT SIMILAR TYPES OF DEVELOPMENT IN THE REGION OFFER MODELS OF WHAT CAN BE DONE WITH LAND DEVELOPMENT.

The department is cognizant of what is happening in land development in Hawaii. What is an acceptable norm for the area within this context is an important consideration. This element relates to the relationship of lot sizes and is used in determining lot sizes for residential and agricultural homesteads. The same should be there for pastoral homesteads.

8) THAT THE BASIS FOR DETERMINING PASTORAL HOMESTEAD LOT SIZE BE BASED ON THE LAND'S NATURAL CARRYING-CAPACITY FOR BEEF ANIMALS, INFRASTRUCTURE DEVELOPMENT COSTS, REGIONAL CHARACTER, AND THE BENEFICIARY DEMAND IDENTIFIED THROUGH THE WAITING LIST.

This is the basic criteria for determining pastoral homestead lot sizes. balancing each determines lot sizes for pastoral homesteads. There are trade-offs between lot sizes and associated improvement costs and beneficiary demand expressed through the waiting list.

9) THAT OPPORTUNITIES FOR NATIVE HAWAIIANS TO DEVELOP COMMERCIAL RANCHING OPERATIONS SHOULD BE PROVIDED.

The department is aware that there are native Hawaiians who desire to develop commercial ranching operations. The department has identified lands which will be set aside for commercial ranching by native Hawaiians.

10) THAT HOMESTEAD LEASE IN ITS CURRENT FORM PRESENTS DIFFICULTIES IN FINANCING FOR COMMERCIAL RANCHING OPERATIONS.

The pastoral homestead lease presents a number of difficulties in obtaining financing for commercial ranching operations. Other types of disposition may be none feasible.

SENATE COMMITTEE ON INDIAN AFFAIRS
HOUSE COMMITTEE ON INSULAR AFFAIRS
JOINT HEARING, AUGUST 7, 1989, OAHU CAPITOL AUDITORIUM, STATE OF HAWAII

TESTIMONY FROM:
BILLIE BEAMER, PAST DIRECTOR AND COMMISSION CHAIRMAN
OF THE DEPARTMENT OF HAWAIIAN HOME LANDS

ADDRESS, 700 RICHARDS, 1408
HONOLULU, HAWAII, 96813
TELEPHONE (808) 521-2256

Billie Beamer Aug. 7, 1989

Introduction

Senator, Congressman, and Delegate,

After 68 years of absentee Congressional supervision, your attention to DHHL is welcomed, very much needed and appreciated. Thank You.

I am Billie Beamer. For nearly four years, from Jan 1, 1975 to Aug 1, 1978, I served as Chairman of the HHC. It has been a decade since I left, and during that time period, the changes in the guiding policies and the philosophic undergirding of the Act of 1920 renders its purposes and provisions sustantially altered.

Non Partisan
no Administrative
No Candidate -
Just Beneficiaries

YOU ASK THE QUESTION WHAT ARE THE ROLES OF THE FEDERAL GOVERNMENT AND THE STATE REGARDING THE HHCA?
*MY ANSWER IS STILL THE SAME ANSWER I WOULD HAVE GIVEN YOU TEN YEARS AGO, THAT THE OBJECTIVE OR MISSION OF DHHL IS TO PLACE THE LANDLESS IN AFFORDABLE DECENT HOMES IN A SAFE AND SANITARY ENVIRONMENT ON A PARCEL OF THEIR OWN.

Priority for landless!

IN 1983 THE FEDERAL STATE TASK FORCE ESTABLISHED A NEW OPERATING PHILOSOPHY FROM WHICH DHHL WAS TO MAKE ITS OPERATIONAL DECISIONS.
IN RECOMMENDATION 14 THEY SAY, THERE SHALL BE NO DISCRIMINATION AGAINST NATIVE HAWAIIANS AT EITHER END OF THE

ECONOMIC SCALE, EITHER AGAINST THOSE WITH LAND OR FOR THOSE WITH LIMITED ASSETS. THEY SPEAK PRIMARILY AGAINST DISCRIMINATION OF THeRICH.-

AND WHY NOT DISCRIMINATE IN FAVOR OF THE LANDLESS? THEIR EXCLUSION IN THE VARIOUS LAND DISTRIBUTION SCHEMES IS A LONG HAWAIIAN TRAGEDY.

Why not discriminate?

IN ACT I THEY ARE EXCLUDED BY THEIR OWN CHIEFS AND KINGS WHO GAVE FOREIGNERS OF EVERY RACE AND ETHNICITY ROYAL WIVES AND THOUSANDS OF ACRES OF LAND, WHILE THE COMMONERS REMAINED LANDLESS. TO FURTHER THEIR HUMILIATION, THEY ARE INDENTURED TO THE FOREIGNERS TO WORK THEIR NEW MASSIVE ESTATES.

By 1820 154
non-Hawaiians
residing in
Hawaii

IN ACT II, THEY ARE EXCLUDED IN THE GREAT LAND GIVEAWAY. 250 CHIEFS, OR 2.% OF THE NATIVES RECEIVING LAND ARE GRANTED 98% OF THE ACRES AWARDED TO NATIVES, 1.6 MILLION.

1853 Census
70,036 Haw'n 96
983 Part 1.3%
73,138 Pop.

IN COMPARISON, 10,000 COMMONERS RECEIVE LESS THAN 30,000 ACRES OF LAND. CHAS REED BISHOP FILED A PERSONAL CLAIM FOR 45,000 ACRES CEDED TO HIM BY THE KING, THIS WAS 15,000 MORE ACRES THAN THE 10,000 COMMONERS RECEIVED AMONGST THEMSELVES.

IN ACT III KUHIO USES THE HAWAIIANS IN TRADE TO BENEFIT THE

1920 - 23,723 Haw. 12
18,027 Part 6.1
255,912 Pop.

PLANTER'S LANDS.

OUR OWN NATIVE POLITICOS USE THE STILL LANDLESS FOR POLITICAL LEVERAGE. BUT TO THE LANDLESS COMMONER, AT LEAST THE HHCA PROMISED 203,500 ACRES THOUGH CONSIDERED WORTHLESS.

IF WE APPLY THE SAME RATIO TO THE GRADED SOCIALLY DIVISIVE ANCIENT SOCIETY OF THREE-FOURTHS OR MORE BEING OF THE LANDLESS NON-DIVINE CLASS, WE COULD GUARDEDLY ASSUME THAT 31,000 WOULD QUALIFY FOR LAND IN 1920.

1989 only
3,000 in Home

CONGRESSMAN AKAKA, WHEN YOU INTRODUCED HOUSE JOINT RESOLUTION 17 TO CONGRESS IN 1985, YOU ENUNCIATED THAT, "THE HAWAIIAN HOMES COMMISSION ACT WAS PASSED BY THE U.S. CONGRESS ON JULY 9, 1921 WITH THE PURPOSE OF "REHABILITATING" NATIVE HAWAIIANS BY RETURNING THEM TO THEIR LANDS THROUGH A FEDERALLY SPONSORED HOMESTEADING PROGRAM. THAT THE NOMINAL RENTS OF $1 PER YEAR ALLOW THE NATIVE HAWAIIANS TO RETURN TO THE LAND, TO REGAIN AN ANCESTRAL WAY OF LIFE OR TO GAIN ECONOMIC AND SOCIAL BENEFITS THROUGH FARMING, RANCHING AND AFFORDABLE HOUSING."

Purpose is
same hardly
fulfilled!

I DO NOT OBSERVE THAT THE LANDLESS HAVE BEEN ACCOMMODATED AND THAT THE PURPOSE YOU DEFINED HAS BECOME OBSOLETE.

THOSE WITHOUT A PARCEL TO CALL THEIR OWN ARE STILL DESERVING OF OUR ONGOING PRIORITY TO PLACE THEM ON IMPROVED

LANDS WITH HOUSING ACCOMMODATIONS.

IT WOULD APPEAR TO ME THAT THE HHC MUST FOCUS ON THIS TARGET GROUP, BEFORE PLAYING FOOTSIES WITH THE LANDED.

No Focus!

TOO OFTEN THOSE WHO HAVE RECEIVED THEIR LAND, WALK AWAY FROM THOSE WHO NEED THEIR SUPPORT.

"Haves" ignored!

I BELIEVED MY RESPONSIBILITY AS CHAIRMAN WAS TO CARRY OUT THE MANDATE OF THE ACT, TO PUT THE LANDLESS ON THE LAND. WHILE THE PURPOSE MAY NOT BE DELINEATED IN THE ACT ITSELF, ONE CERTAINLY CANNOT ESCAPE THE INTENT EXPRESSED IN THE LENGTHY RECORDED TESTIMONY OF JUSTIFICATION.

A BRIEF PERFORMANCE RESUME IS SUBMITTED TO ALLOW YOU TO VALIDATE THE WORTH OF MY TESTIMONY.

During the time-frame of my term, a creative and committed staff was responsible for 1300+ new home, farm and ranch awards. They initiated and delivered to the lessees new homes on improved lots on every island. The package was augmented by 300 replacements for dilapidated hovels that in any other subdivision would have been condemned, but on Hawaiian Home Lands the human indignity was ignored. (see attached DHHL housing recap.)

1975-79
delivered 1300+
new homes

Our operating philosophy was that DHHL was not only a program that would encourage rehabilitation or regeneration, rather, we also believed it to be a program of restitution, restitution to the majority who have been historically by-passed, excluded and denied opportunities for ownership to a plot of their native land.

Program of restitution

However devious the basis for its creation, the Federal HHCA still reached out to them with provisos for new opportunitites and new beginnings to allow the planting of their roots and footing on the land of their birth, but no one had done very much about it.

HHCA still provided resources and threshold to - commence help

WE IDENTIFIED TWO MAJOR PRIORITY PHASES FOR IMPLEMENTATION

Land improvement

Priority I, to get the people on the land, on improved lots as expeditiously as possible:

1. we would place the landless non-real property owners on the land first

Non-propertied

2. we would only award improved lands with a choice to select a home from a housing package, or to act as an owner builder. Home awards were weighted over farm and ranch awards.

Homes over ranches, farms
86% home applic.

3. that we would provide loan accommodations for every lessee with interests ranging from 1% to 8%, even long term

Loan arrangement for all —

welfare disability recipients were accommodated by crediting their housing stipends to the mortgage due.

4. we enforced the provision that the awardee must occupy the land within a year after award. we were not interested in adding to the estate of a landed native Hawaiian, but we were committed to those without a land base.and,

5. we stipulated that the awardee could only receive farm or ranch awards if he resided on the island where the lot was located.

Occupy
40 [illegible]
homes —

Estate lands

Priority II. we pursued amendments to the act which would allow the lessees to use the land and its improvements as any bona fide owner would do, to have the authority to name his own heir and to use the equity he accumulates for his own personal investment portfolio.

Successors —
Bill —
Security
Interest —

Girded with this working philosophy, DHHL became the second largest developer of homes, delivering 300 units per year, in a state with a chronic housing shortage and an average annual home construction delivery rate of 1500 units. This little ignored department was delivering 20% of all the homes built in the state.

2nd largest
developer —
that's what
we are —

More than 95% of all homes are built by subdivision developers, in large or small packages. The three largest developers in the state account for more than 80% of all homes built.

Packages a
must —

Last year 1988, 1478 single family units were built, together, all governmental entities accounted for only 79 of that total. DHHL contributed less than 20. (DHHL ANNUAL REPORTS, BANKOH RESEARCH DIVISION)

Goals were achieved by refusing to be deterred from our priority. TO PLACE THE WAITING--IN HOMES ON THE LAND. With the approval and support of the Governor and the Legislators, we solicited help from every entity. e.g., eight million in loan funds earmarked for our DHHL use was received from FMHL. Our meagre funds used as guarantees were leveraged manifold. Totally, more than 75 million dollars were appropriated, approved and expended for planned development subdivision packages, off-site improvements and the long overdue housing program. Farm and ranch lots were awarded on a lesser priority.

8 Million -
FmhL
75 Million
3 years -

We had established systems for the management of massive development projects statewide which included: design, construction, financing needs, applicant preparation and clearances, loan qualification, etc. THE STAFF WAS MOBILIZED TO PRODUCE. THEY WERE RESPONSIBLE FOR THE CONSTRUCTION OF NEARLY 50 % OF ALL OF THE HOMES ON HAWAIIAN HOMELANDS (NEW AND REPLACEMENT).

Staff
Systems

Successor Bill Introduce

Concurrently, corrective legislation was introduced in 1976-77 to reduce the required blood quantum of successors to allow their inheritance to the land to facilitate the precept of ancestral homes, which the lessees heretofore could never claim. It took 8 years for the local legislature to pass and relay the resolution to congress (1985), after which it was passed by joint resolution in 1986. A ten year effort.

automated - list

To preclude circumvention and tampering, the waiting list was updated and banked in an automated system. Each applicant was given a number to guarantee his place, the number was his surety that he could never be superceded, that when awards were given rank numbers were to be publically posted. The succeeding administration junked the system in '80 favoring manual information manipulation.

The department records were in a state of bloody disarray and negligence: land inventories were collected, the illegal use of lands and funds by the state, counties and the private sector was challenged and back rental assessed. The first joint venture agreement with a developer resulted in the construction of a shopping center for a yearly rental of 175,000 annual lease rental plus a percentage of the gross.

Our extensive and exhaustive housekeeping efforts are detailed in the annual reports of 1975 through 1979.

THEN IN 1980, THE BUBBLE BURST AND THE MOMENTUM STOPPED. ALL SYSTEMS AND POLICIES TO ESTABLISH EQUITABLE DISTRIBUTION OF 300+ COMPLETE AWARDS A YEAR WERE DISMANTLED. REVERSION TO THE OLD STYLE OF DOING BUSINESS WAS REINSTATED.

Bubble
Burst!

THE TASK FORCE OF HAWAIIAN LEADERS '82-'83 PROPOSED THESE POLICY ITEMS:

1. THAT HAWAIIAN HOME LANDS WAS AN ENTITLEMENT FOR ALL HAWAIIANS, RICH OR NEEDY. REHABILITATION OR THE PRIORITY OF THE LANDLESS IS NOT MENTIONED. (REC. 14)

Task-force
Incorporation
Rich
entitlements

2. THE GROUP EXPOUNDED THAT OWNERS OF REAL PROPERTY SHOULD NOT BE DISQUALIFIED FROM IMMEDIATE RECEIPT OF LAND AWARDS. THAT THERE SHOULD BE NO DISCRIMINATION AGAINST NATIVE HAWAIIANS AT EITHER END OF THE ECONOMIC SCALE THOSE WITH LAND OR THOSE WITH LIMITED ASSETS. (REC. 13)

3. THAT THE LESSEE NEED NOT BE REQUIRED TO RESIDE ON THE LAND

Second -
Third homes,
Estate lands.

4. THAT THE DEPARTMENT SHOULD NOT BUILD HOUSES ON THE LAND, THIS WAS LEFT TO THE LESSEE ON AN INDIVIDUAL BASIS. (29)

DHHL - should
not build houses

5. THAT AN AWARDEE OF A RANCH OR FARM LOT NEED NOT RESIDE ON THAT ISLAND WHERE THE LOT IS LOCATED. SOME AWARDEES RESIDE ON OAHU OR THE MAINLAND, AND

Estate awards

6. THAT THE COMMISSION SHOULD AWARD RAW LANDS IN AN ACCELERATION PROGRAM.

Award Raw lands —

IN MY ASSESSMENT THEY HAVE DISPLACED THE SOUL OF THE PROGRAM. ALL OF THESE CHANGES BENEFIT THE WEALTHY HAWAIIAN PROPERTY OWNER AND NOT THE LANDLESS, THE INDIVIDUALS FOR WHOM THE ACT WAS INTENTED. THE NEW PHILOSOPHY APPEARS TO BE ONE IN WHICH THE LANDS OF DHHL ARE USED FOR REPARATIONS TO ALL HAWAIIANS REGARDLESS OF ECONOMIC STANDING.

4th Act — landless disinherited

AGAIN THE LANDLESS ARE SQUEEZED OUT.

*EXCEPT FOR THE BRIEF BUBBLE FROM '75-79 OF DELIVERING 300+ HOMES ON IMPROVED LOTS A YEAR and A RESIDUAL OF OUR PLANNING IN 82-83 (205 homes). DHHL HAS ISSUED AN AVERAGE OF 20 AWARDS A YEAR. AT THE CURRENT RATE IT WOULD TAKE A CRIMINAL PERIOD OF MORE THAN 600 YEARS TO MEET THE DEMANDS OF THE WAITING LESSEES.

RECAP OF HOMES BUILT BY DHHL (INCLUDES REPLACEMENT HOMES

*1973-1974...........74

1974-1975............0

1975-1976..........473

1976-1977............0

1977-1978.........1001

1978-1979..........158

1632÷4
408 a year
including replacement.

1979-1980...........35

1980-1981...........43

1981-1982...........15

1982-1983..........205 PACKAGE DESIGNED EARLIER

1983-1984...........39

1984-1985...........75

1985-1986...........28

1987-1988...........14

1987-1988............0

468÷9 = 52 a year
including replacement

(FHA REPORTS 36 APPROVALS RECEIVED FROM DHHL TO DATE..(JULY 9, 1989, GAIL OTA, ROGER LARAMEE)(DHHL CIP PROGRAM, RECAP ATTACHED.

68 YEARS AFTER PASSAGE, LESS THAN 3,500 HAVE RECEIVED LEGITIMATE HOME AWARDS.

I DO NOT CONSIDER UNIMPROVED UNUSABLE LANDS FOR FARMERS OR RESIDENTS VIABLE AWARDS. THE AWARD OF 2500 UNIMPROVED LOTS IS A REPLAY OF THE KUHIO SAGA OF GIVING OUT LANDS WITHOUT WATER AND IMPROVEMENTS TO HIS PEOPLE BECAUSE HE BELIEVED THEY WOULD HAVE BEEN PACIFIED AND GRATEFUL WITH ANY KIND OF

Kuhio
Saga
replayed

LAND AWARD.

SURELY THE OLD TIME LESSEES CAN REMEMBER. AND SURELY, AFTER ALL THE AGONIES, WE SHOULD HAVE LEARNED THAT NO LONGER IS THERE ANY NEED TO SUBJECT OUR PEOPLE TO THAT KIND OF UNNECESSARY HARDSHIP AND INDIGNITY.

Demeaning Act

2500 lots awarded!

In congressional testimony pertaining to the passage of the Joint Resolution 17 regarding the Successorship Bill and 34 other amendments to the act, the HHC Chairman announced to the Senate Committee on Energy and Natural Resources on Aug 13, 1986 (Testimony,Page 5), AN ACCELERATED AWARD PACKAGE OF 4,000 RAW LAND AWARDS

"By June 30, 1987, it is expected that the number of awards will more than double the 3,332 leases awarded through 1984. While some of the awards are for fully developed lots, most will be lots with minimal improvements because DHHL does not have sufficient funds to provide full infrastructure development."

HHC chair announces 4,000 awards!

This purported package of 4,000 awards is not corroborated by the annual reports of DHHL which record a total of 2,466 of which 1568 were unimproved residential lots. 248 were residential improved and 650 were farm and ranch unimproved paper subdivisions.

2,466 lots
248 Improved Res.
85% unimproved

The minimal improvements referred to are indeed very minimal, they include: clearing the lot of weeds and scraping a dirt road for limited access, SURVEYING AND STAKING FOR LOT SELECTION.

2500 awardees received a promise with no concomitant departmental mobilization efforts to accelerate the development of the lots for near future occupancy. It will be many more years before most receive their awards, some are projected for 1998 or BEYOND the year 2000.

Ridiculous projection for improvements beyond year 2,000!

There is absolutely no reason for this kind of massive deceptive heroics. A regular increment of 300 lots improved with homes per year, would have delivered 3,000 awards in the last decade.

DHHL KNEW FULL WELL WHAT IT WAS PRACTICING IN THE 2300 AWARDS. In letters of understanding, waivers, agreements and acknowledgment, each awardee was asked to accept the following conditions:

1. that due to a lack of funding the dept does not assure any time schedule for improving roads; that due to substandard condition of the access roads, county fire and police protection may not be available where roads are not passable. (THEY DID NOT SAY, THAT FEDERAL ASSIST FUNDING IS NOT AVAILABLE UNLESS ROADS HAVE BEEN CONSTRUCTED AND ACCEPTED BY THE COUNTIES.)

award w/out care for safety of lessee

2. that due to the lack of funding by the department for the construction of infrastructure: water delivery, utility hook up, sewage disposal, and road development, the department can make no assurance regarding delivery of these services, improvements and maintenance. BUT, "THE DEPARTMENT, HOWEVER, DOES NOT OBJECT TO THE LESSEE GROUP OF NEIGHBORING LESSEES

No DHHL funds but lessee can fund — Where would they get this kind of millions needed: ignorant offer.

ARRANGING FOR AND PAYING FOR THR COST OF DELIVERY, AND MAINTENANCE ON THEIR OWN."

(FEDERAL FUNDING IS NOT AVAILABLE UNLESS THERE IS A WATER DELIVERY SYSTEM.)

3. THAT LOAN FINANCING IS NOT AVAILABLE FOR THE PURPOSE OF IMPROVING THE LOT AND DHHL DOES NOT ASSURE THE AVAILABILITY OF LOAN FUNDING.!!!

If known that financing a problem with raw lands, why award?

THEN, IN THE LETTER OF CONGRATULATIONS THE CHAIRMAN SAYS, "BEING A LESSEE ON HAWAIIAN HOME LANDS, YOU MAY FIND IT DIFFICULT TO OBTAIN FINANCING TO IMPROVE YOUR LOT UNTIL ADDITIONAL SOURCES OF FINANCING ARE DEVELOPED."?????????

SO WHY ARE THEY AWARDING RAW LOTS?

4. THAT NO LESSEE SHALL BE PERMITTED TO ERECT TENTS OR ANY TEMPORARY STRUCTURE ON THE LOT.

5. THAT TAX MAP KEY NUMBERS FOR INDIVIDUAL LOTS WILL BE ASSIGNED UPON FINAL SUBDIVISION APPROVAL, WHICH IS CONTINGENT ON IMPROVEMENTS. (THE LESSEE CANNOT GET FINANCING OR LOAN CLEARANCES WITHOUT THESE PRELIMINARIES.)

Shame!
T.M.K was for parcel of the whole.

(BUILDING PERMITS REQUIRE AN ADDRESS HOW CAN ONE SHOW AN ADDRESS WITH NO ROADS AND SUBDIVISION CERTIFICATION. AND IF HE CANNOT LIFE IN A TENT, WHAT DOES HE LIVE IN?)

15 MILLION OF AVAILABLE MONIES WAS ALLOWED TO LAPSE BETWEEN 82 AND 86 and another 15 MILLION CASH WAS SITTING IN THE

No talent to implement

LOAN AND DEVELOPMENT FUNDS GATHERING INTEREST.

*YET ALL THE ADMINISTRATION DID WAS TO SURVEY THE LOTS AND STAKE OUT THE BOUNDARY MARKERS TO FACILITATE SELECTION.

A BIENNIAL PROFILE OF CIP BOND FUND APPROPRIATIONS AVAILABLE, AND AMOUNTS ALLOWED TO LAPSE, PRIOR TO AWARDING OF RAW LANDS

DATE TO LAPSE	ALLOCATION	AMT LAPSED	% OF TOTAL
1982	36.787,860		
	4,985,000 LOAN CAP.		
	31,802,860 SITE $'S	12,183,326	38%
1984	24,440,000		
	13,380,000 LOAN CAP.		
	11,060,000 SITE $'S	1,713,128	15%
1986	8,150,000 SITE	1,525,810	18%

(SOURCE CIP PROFILE DAGS-BOND FUN, MAY 31, 1989, STAFF RECEIVED COPY)

69 Million appropriated prior to awards.

51 Million for - Site work-

27% allowed to lapse

See BIP expenditures [illegible]. (4)

THE TRAVESTY,OF THIS BURLESQUE IS CORROBORATED BY THE FOLLOWING TIME SCHEDULE FOR THE COMPLETED IMPROVEMENT OF THE RAW LAND RESIDENTIAL LOTS AWARDED IN 1985 AND 1986.(EXTRACTED FROM THE DHHL IMPLEMENTATION PLAN OF 1988-1989.)

'89 Report on Status

1568 Unimproved Res.

*1,568 LOTS WERE STILL LISTED AS UNIMPROVED RESIDENTIAL LOTS. THERE WERE 650 UNIMPROVED FARM AND RANCH AWARDS WHICH

WERE NOT INCLUDED IN THE PROFILE SUBMITTED.

58 OR 4% OF THE 1568 LOTS WERE COMPLETED OR UNDER CONSTRUCTION TO BE READY BY 1989 OR 1990 FOR AWARD AND ANOTHER TWO YEARS FOR HOME LOAN APPROVAL AND CONSTRUCTION.

58 – 4%
completed

801 LOTS OR 51% WERE IN THE DESIGN STAGE, WHICH MEANS THAT THE DETAILED DESIGNS FOR EACH LOT HAVE BEEN STARTED.

*AFTER THE DESIGN, APPROVAL IS REQUIRED

*THEN REQUEST FOR FUNDS TO CONSTRUCT

*THEN AT LEAST A TWO YEAR PERIOD FOR CONSTRUCTION

*THEN ANOTHER TWO YEARS FOR HOME PLANS APPROVAL AND FINANCING BEFORE CONSTRUCTION

THE AWARDEE WILL PROBABLY NOT MOVE ON THE LOT EARLIER THAN AFTER AN EIGHT TO TEN YEAR WAIT AFTER AWARD, 1995-1996.

801 51%
not ready
till '85-'86

530 OR 34% WERE IN THE PLANNING STAGE, WHICH MEANS THAT FORMAL PLANNING HAS JUST BEGUN AND COST ESTIMATE PROJECTIONS FOR THE PROJECT ARE BEING CALCULATED. IT WILL BE FOLLOWED BY DESIGN.

*AWARDEES OF THESE LANDS SHOULD NOT EXPECT LOT RECEIPT WITH IMPROVEMENTS BEFORE 1998-2000, FOURTEEN YEARS AFTER DELIVERY, ADD TWO MORE YEARS TO A BUILD HOME

530 - 34%
1998-2000
due for
completion!

179 (12%) WERE IN THE STRATEGY PHASE, PREPLANNING, WHICH MEANS THE PLAN IS JUST A GLEAM IN THE DIRECTOR'S EYE, THEY ARE DELIBERATING WHAT TO DO.

179 12%
no date —
beyond
yr 2,000!

*NO DATE FOR LOT IMPROVEMENTS HAS BEEN LISTED.

*THE WAIT IS INDEFINITE AT LEAST BEYOND THE YEAR 2000.

BREAK DOWN BY AREAS

AREA	NO. LOTS	YR AWARD	PHASE	COMPLE. DATE(DHHL OPTIMISTIC PROJECTIONS THEN ADD ANOTHER TWO YEARS FOR HOME CONSTRUCTION
KAUAI				
ANAHOLA	90	85-86	DESIGN	1990
ANAHOLA JK	61	86	DESIGN	1991
VILLAGE	23	86	STRATEGY	NONE
KEKAHA	21	85-86	CONSTR.	1989
OAHU				
NANAKULI-6	38	85-86	DESIGN	1989
NANAKULI	14	85-86	DESIGN	1990
NANKULI	133	86	STRATEGY	1992?
WAIANAE	103	86	DESIGN	1991
WAIMANALO	15	86	COMPLETED	1989
MOLOKAI				
UNIT 1	21	85	DESIGN	1990
UNITS 2&3	61	85-86	DESIGN	1990
KALAMAULA	123	85	PLANNING	1994
NEW AREAS	90	85	PLANNING	1998

ONE ALII	4	86	PLANNING	1992

MAUI

PAUKUKALO-2	11	85-86	COMPLETED	1989
WAIEHU	40	85	DESIGN	1991
WAIOHULI	308	85	PLANNING	1997

LOTS SELECTED BUT NOT AWARDED WITH LEASE.

HAWAII

KAWAIHAE	22	85	DESIGN	1990?
KAWAIHAE	195	86	DESIGN	1992?

NO OFFSITE IMPROVEMENTS AS OF 1989

KEAUKAHA	83	85-86	DESIGN	1994
PANAEWA	11	86	CONSTRUCT	1989
UNIT 5	20	85	DESIGN	NO DATE
WAIAKEA	20	85	DESIGN	1990
PUU PELEHU	33	86	DESIGN	1990

ALL OF THESE LOTS WERE AWARDED BY A DEPARTMENT WHO HAD SHUCKED THE SYSTEMS OF A DELIVERY PERFORMANCE RATE OF 300+ A YEAR OF IMPROVED LOTS WITH HOMES IN 1979 FOR ITS OWN SYSTEM. TO IMPROVE THE 2500 LOTS, GIVEN ITS PERFORMANCE RATE, IT WOULD TAKE 71 YEARS TO COMPLETE.

Schedule on paper – no performance record of worth

The contemptible tragedy is that once awarded the raw land, the applicant's name was removed from the application list, disqualifying him for other awards on his preferred island

Applicants name off list

Tragedy!

563 new lots planned -

which may become available at an earlier date. 804 lots will not be available before 1995-1996, a full decade after award. This represents 51% of the 1568 lots listed.

Catch 22

LESSEE CAUGHT IN CATCH 22 SITUATION.

None filed with TAX office

*It is confirmed with the tax office, that EXCEPT FOR THE 248 IMPROVED LOTS NONE OF THE 2224 UNIMPROVED LOTS AWARDED HAS BEEN FILED OR RECORDED WITH THE COUNTY REAL PROPERTY TAX OFFICES. (Ron Tsugi, telephone 527-5526, of the Real property ownership Tax recordation division, verified that the tax office has received no maps or files from the DHHL for the awards of the thousands of lots reported in the media as being distributed.

*If there is no tax recordation of their individual lots. There is no public proof of leasehold title or the right of the lessee to encumber the lot.

*ON DEC 1, 1986 AT KAWAIHAE HAWAII, 100+ RESIDENTIAL LOTS WERE AWARDED

No improvement

*The only improvements to the land were the grubbing of the lots and a dirt road that was cleared for minimum access, there was:

no lot grading

no water, the lessee was requested to sign a waiver.

of his right to receive water as provided for in Sec 220 and 221. Federal programs will not accept individual water catchment systems

no utility access was provided

no offsite sewer system was availale, as of Jan 1, 1990

the Dept of Health will disallow cesspools

no subdivision package for the infrastructure improvements or housing was offered. The lessee was to do this on his own. News releases misled the awardees into believing that SOON FHA funds would available to them, and the chronic money problem solved, But FHA was a scapegoat,

No Fresh FHA funding

FHA backing of mortgage funding cannot be used for unimproved lands.

*In '82 and '84 990,000 of appropriations earmarked for Kawaihae lapsed, since the '81 design was completed for construction for 40 lots, now 20 because the State wants a park beach frontage. The project was indefinitely deferred. Still, despite the deferral the package of awards included 190 for Kawaihae, KNOWING FULL WELL THAT THE AWARDEE COULD NOT MOVE ON FOR YEARS. (DHHL STAFF)

allowed 990,000 to lapse for Kawaihae

*But to the unknowing excited trusting lessee it all seemed official and real, their occupancy around the corner.

awardee deceived —

*Their leases were numbered, the acreage was indicated.

*The particular lot I cite was for .98 acres, one of the 100 being awarded that day.

*THEY RECEIVED AN OFFICIAL LEASE. The lot acceptance agreement listed the TMK NUMBER.

*THE KEY TMK 6-1-01:3, 3rd DIVISION, WAS NOT FOR THE .98 ACRE AWARD. IT WAS FOR THE ENTIRE PARCEL OF 8.175 ACRES OF THE UNIMPROVED SUBDIVISION. ALL AWARDEES WERE GIVEN THE SAME TMK OR UNDIVIDED INTEREST IN THE PARCEL OF THE WHOLE. (CONFIRMED DHHL, JULY 12, 1989 AND COUNTY TAX OFFICE)

TMK for Parcel of whole

*Yet the awardee was asked to pay $5.00 as a five year advancement for the stipulated $1.00 a year lease rental fee (sec. 208) on a lot he could not occupy, he cannot build a home and he cannot live in a tent.

Pay lease rental — Principle?

*The lease stipulated that real property taxes would be due after the 8th year, however, there would be a two year extension on the tax obligation if the awardee was not on the land.

*The act has always mandated that upon receipt of the lease, "the lessee shall occupy the land in one year," but, it now reads, "the lessee may occupy the land in one year." This change from "shall" to "may" allows the department to drag its feet on improving the lots and

Stipulate to occupy in 3 years — Yr of implement Schedule Begs — 10-20 years!

absolving itself from enforcing the occupancy provision for lots it has failed to render usable within a year.

*** ONE OF THE AGREEMENTS STATED THAT THE LESSEE HAS THREE YEARS TO CONSTRUCT, COMPLETE AND OCCUPY A DWELLING...AND A TWO YEAR EXTENSION MAY BE GRANTED FOR GOOD CAUSE.**

*HOW CAN THE LESSEE BUILD WITH NO ROADS, NO WATER, NO TMK FOR HIS PARCEL, WHEN A BUILDING PERMIT WILL BE DENIED?

*This same practice applies to all of the thousands of lots in the inglorious media event.

*The other tragedy, is that, without the required minimum county, state and federal site improvements, the lessees DEFINITELY do not qualify for federal funding from FMHL or FHA (confirmed with both agencies 7-6-89).

*SINCE Aug 1, 1987 (2 years ago) HUD has received an inventory from DHHL of only 400 house lots with subdivision improvements,(as of July 7,1989). 142 of the 400 are not new, they are actually existing lots in need of replacement homes. Therefore, only 260 are new awards, the remaining 85% of houselots awarded are unimproved, unsubdivided residential lots that are not recorded or that have not received county approvals for building and subsequently cannot be mortgaged, DO NOT QUALIFY.

DHHL not using FHA for improved lots — No FmHL approvals —

*of the 400 SENT TO HUD, DHHL HAS PROCESSED ONLY 36 FOR

Only 36 Hud in 2 years.

LOANS, ALL APPROVED BY HUD. 18 A YEAR.

* Some have ignored the law and illegally built with their own funds, on the lots given three, four and five years ago. But who can blame them? It has been almost five years since the lease was signed and no corrective action has been taken to file a bonafide claim with the tax office. Only one awardee can build on these large undivided parcels, again using his own funds.

The administration placed the onus of the burden of improving the lots for use to the succeeding administration to make good, what it was not capable of delivering. It in essence established the priorities for its successors AND LEFT TO ITS SUCCESSORS THE JOB TO FACE THE JUSTIFIABLE WRATH OF THE DISCONTENTED ANXIOUS AWARDEES, WHO ARE JUST DISCOVERING THE FRAUDULENT HEROICS PAPER AWARDS. FIVE YEARS LATER, THEY ARE NO WHERE NEAR BEING IMPROVED FOR OCCUPANCY TO BUILD A HOME.

*These media awards of unimproved land should be outlawed. ONE WONDERS IF THEY WERE THEY PURPOSEFULLY AWARDED AS FODDER FOR FUTURE SUITS. WHEN LESSEES HOLDING THESE FRAUDULENT LEASES CAN GRIEVE?

Outlaw raw land awards — Purposeful?.

* It is admittedly a brilliant media scheme. A practice in which DHHL can bleed publicity for one award three times

Brilliant Media Scheme

1ST ROTATION, announce the grand scheme, award paper subdivisions with no legal right

2ND ROTATION, five years later, or each time a subdivision is ready announce DHHL is awarding X number of improved lots, actually it is a segment of the first package

3RD ROTATION, when financing for home mortgages is received for the now improved lot, publicity will show state officials giving the keys ten years after initial award.

The media will calculate that DHHL HAS AWARDED THREE TIMES THE REAL NUMBER

What a brilliant tangled web they have woven in their desperation. the unknowing trapped in the web is the applicant, SHAME!!!!!!!!!.

What has been accomplished! ?

I DON'T KNOW WHAT HAS BEEN ACCOMPLISHED BY THE AWARDING OF THESE RAW LANDS. IT HAS BEEN FIVE YEARS AND THE AWARDEES STILL CANNOT OCCUPY THE LAND. THEY HAVE NO HOMES, NO LEGAL RIGHT TO MOVE ON THE LAND AND THERE IS NO WATER.

No great emigration on the land - lots still empty - even if improved!

1. APPLICANTS COULD BE STUCK FOREVER IN THE WRONG LINE, AS WITNESSED BY THE CIP IMPLEMENTATION TIME LINE.

2. ALL AWARDEES WHO DO NOT HAVE BONAFIDE TITLE TO DATE, SHOULD BE REINSTATED IN THEIR ORIGINAL RANK ON THE APPLICANT LIST. THE LOTS AWARDED SHOULD BE HELD IN RESERVE FOR THEM, BUT THEY SHOULD HAVE THE OPTION OF NEW LOT DEVELOPMENT AND THE CHOICE TO SELECT BETWEEN THE TWO.

Reinstate on Waiting list -

THERE SHOULD BE IMMEDIATE REINSTATEMENT OF THE POLICY IN THE ACT THAT NO AWARDS OF RESIDENTIAL LOTS SHALL BE MADE UNTIL THE LOTS ARE IMPROVED, APPROVED AND FILED WITH THE COUNTY AND THE TAX RECORDATION DIVISIONS.

No raw lands Policy!

1. THOSE WITHOUT SURPLUS ASSETS ARE AT A DISTINCT DISADVANTAGE.
2. APPLICANTS MUST BE OFFERED THE BENEFIT OF MOVING ON IMPROVED LANDS, THEN IF HE OR SHE STILL WANTS TO LIVE THE OLD WAY, FINE. BUT OUT-HOUSES AND KEROSENE LAMPS ARE NO

Awardee in batch 27 - only has paper award -

LONGER IN VOGUE

3. EVEN THE PRACTICE OF EXERCISING THE OPTION OF EXEMPTION FROM COUNTY BUILDING CODES IS AN ULTIMATELY DETRIMENTAL DECISION. WE NEED TO ALWAYS TAP INTO COUNTY OFFSITE SYSTEMS TO MAKE OUR LANDS USABLE OR TO TURN OVER THE SYSTEMS FOR ONGOING MAINTENANCE.

4. MINIMUM LOT STANDARDS AND BLDG. CODES ARE ESTABLISHED FOR THE PROTECTION OF THE HABITANT FROM HAZARDOUS AND UNSANITARY LIVING ENVIRONMENTS

5. AFTER 1990 THE DEPT OF HEALTH WILL NOT ALLOW CESSPOOLS IN SMALL LOT SUBDIVISIONS

6. FEDERAL PROGRAMS WILL NOT FUND OR ACCEPT INDIVIDUAL LOT WATER CATCHMENT SYSTEMS

APPARENTLY THE TASK FORCE MEMBERS WHO OBJECT TO SUBDIVISION DEVELOPMENT AND ENCOURAGED RAW LAND AWARDS EXPECT THE HAWAIIANS TO LIVE IN A REGRESSIVE MODE. THEIR OBJECTIONS TO SUBDIVISION DEVELOPMENT UNDER THE GUISE THAT THE HAWAIIAN WANTS TO LIVE THE OLD WAY WITHOUT CONVENIENCES, IS CONDESCENDING NONSENSE. CONTRACT PACKAGES MUST BE DESIGNED TO DELIVER MORE AFFORDABLE HOMES TO THE LESSEES.

ONE NEED JUST OBSERVE THE VERY SLOW PROGRESS OF MOVEMENT ON THE LAND IN LOT SUBDIVISIONS OFFERED WITHOUT HOUSING PACKAGES. (WAIANAE KAI) TO KNOW ITS VALUE.

Need affordable homes—
Need Home packages—

Prohibitive cost on open market

THE COST OF HOMES ON THE OPEN MARKET IS PRICED BEYOND THE

APPLICANT'S AND LOCAL RESIDENT'S ABILITY TO PURCHASE A HOME.

PLUS THERE ARE JUST NO HOMES AVAILABLE IN THE MODERATELY PRICED HOME RANGE.

HOUSING DEVELOPED BY SUBDIVISION PACKAGES ALLOW MORE AFFORDABILITY THROUGH THE ECONOMIES OF SCALE

Benefit from Economies of Scale

THE ECONOMIC BENEFITS DERIVED FROM COMPLETE SUBDIVISION DEVELOPMENT ARE SUBSTANTIAL.

IN THE 1975 PACKAGE, HOMES APPRECIATED 60% IN SIX MONTHS AND MORE THAN 100% IN A YEAR. WITHIN THE YEAR, THE $25,000 HOMES WERE VALUED AT $50,000.

1975 package appreciation —

95+ % OF ALL HOMES CONSTRUCTED TODAY ARE BUILT ON THE SUBDIVISION CONCEPT TO BENEFIT FROM THE SCALE. THESE BENEFITS ARE NOT AVAILABLE ON A ONE TO ONE, OWNER BUILDER ARRANGEMENT

95+ homes built in market by housing package

* IN SUBDIVISION DEVELOPMENT THERE SHOULD ALWAYS BE PROVISIONS FOR THOSE WHO WISH TO BE THEIR OWN BUILDER THE NUMBER RANGES FROM 5-10%

* SUBDIVISION DEVELOPMENT EXPEDITES DELIVERY AND IS A MORE EFFICIENT USE OF DEPARTMENTAL STAFF, AND MORE PER DOLLAR ACCRUES TO THE LESSEE.

Regression to [illegible] owner builder no benefit to homesteader

150 LOTS HAVE BEEN AVAILABLE AT WAIANAE KAI SINCE 1986...TO DATE. ONLY 30 HOMES OF THE AVAILABLE LOTS HAVE BEEN CONSTRUCTED BY THE OWNER BUILDER ARRANGEMENT. 120 REMAIN VACANT. (DHHL STAFF-JULY 25, 1989)

Waianae Kai example —

IT IS VERY DIFFICULT FOR INEXPERIENCED INDIVIDUALS TO INITIATE THE ARRANGEMENTS TO: SELECT A CONTRACTOR, UNDERSTAND PLANS, MEET WITH FINANCING AGENTS, ETC.

* ONLY A SUBDIVISION MANAGEMENT PACKAGE WILL ALLOW REAL ACCELERATION AND INDIVIDUAL HELP FOR A MORIBUND PROGRAM.

Real acceleration only with package

* IT IS NONSENSICAL REASONING AND NAIVETE TO JUSTIFY SHYING AWAY FROM DEVELOPMENT PACKAGES, BECAUSE THE DEPARTMENT WAS SUED BY LESS THAN 5% FOR THE INFERIOR WORKMANSHIP AND MATERIALS USED IN THE HOUSING PACKAGES. THIS HAPPENS NATION WIDE, WHAT IS IMPORTANT IS TO HOLD THE CONTRACTOR ACCOUNTABLE FOR RESTITUTION AND THIS WAS DONE.

* TO STOP A VERY SUCCESSFUL PROGRAM BECAUSE ONE CONTRACTOR DELIVERED AN INFERIOR PRODUCT REFLECTS FIELD IGNORANCE.

* A PROFILE OF COSTS IS PRESENTED FOR A MODERATE RANGE, 3-BEDROOM HOME, MORTGAGED AT 10 1/2% INTEREST

Profile Costs of Home —

* A MULTIPLE LISTING SECOND HAND HOME COSTS

beamer-30

$237,000 ON 6,000 S.F. LOT. MRTG. MO. PAYMENT $2166

$237,000 M.L

* A NEW HOME COSTS

$168,000. 4,000S.F. LOT. MRTG. MO PAYMENT $1535.52 (BANKOH RESEARCH)

$168,000 New hom

* A DHHL FOR HOME MRTG.COSTS ONLY, LOT COSTS ARE ASSUMED BY DHHL

$65,000 HOME. 7,500 S.F. LOT TO 1 ACRE. MRTG MO PAYMENT. $548.85 A MONTH

$65,000 DHHL no equity

* 61% LESS THAN MARKET RATE OF NEW HOME

*73% LESS THAN MULTIPLE LISTING

THE PROGRAM CAN BE GREATLY ACCELERATED IF THE LESSEE IS ASSESSED FOR THE LOT IMPROVEMENTS AS PART OF THE HOUSING PACKGAGE AWARD AND ENFRANCHISED WITH A SECURITY INTEREST.

lessee participate lot improvements

* CURRENT COSTS ARE $20-30,000 PER LOT FOR A 15,000 S.F.OR MORE FOR A RURAL LOT

* $40,000+ FOR A LOT OF 7,500S.F. ON OAHU (DHHL STAFF)

*. AN AVERAGE PACKAGE COULD BE DESIGNED FOR $100,000. FOR HOUSE AND LOT, LAND FREE

*A MRTG. PAYMENT OF $844.00 A MONTH IS STILL

*40 % LESS THAN A NEW HOME ON THE OPEN MARKET ON POSTAGE STAMP LOTS

$100,000
40% less
N.H
58% less
M.L.

* AND IS 58% LESS THAN A ML HOME ON A 6,000 LOT

* DHHL CAN SUBSIDIZE IMPROVEMENTS WITH LOWER INTEREST LOANS TO REDUCE THE PAYMENTS

Subsidize Improvements

* FMHL OFFERS LOANS TO $90,000 WITH INTEREST RATES FROM 1-9 1/2 %

*A 3% LOAN ON 100,000 IS $428 MONTHLY

* FHA-HUD CAN LOAN GUARANTEE TO $151,000

WITH LESSEE PARTICIPATION THERE SHOULD REASON FOR THE DELAYED PACE OF SITE IMPROVEMENTS

I ENDORSE THE OPTION OF MULTI-UNIT DWELLINGS SINCE SOME OBVIOUSLY DON'T TAKE CARE OF THE AINA VERY WELL, BY TENDING TO THE YARDS IN THE SINGLE FAMILY LOT SYSTEM.

* RENTALS ARE NEEDED FOR THOSE WHO DON'T WANT THE BURDEN OF HOME OWNERSHIP.

Multi- Rentals needed.

* WE ARE NO LONGER AN AGRARIAN PEOPLE IN A PLANTATION CULTURE. IT HAS BEEN CENTURIES SINCE WE WERE.

Offer Attention Extend 99 year Lease

YOUR LEGISLATIVE ATTENTION IS CALLED TO THE 99 YEAR LESSEE ON RESIDENTIAL LOTS WHOSE REMAINING TERM DOES NOT ALLOW MORTGAGE FINANCING. THEY SHOULD BE GIVEN A LEGAL COMMITMENT THAT LEASES WILL BE RENEWED. THE FIRST LESSEES HAVE 34 YEARS REMAINING.

Rehabilitation

* AN ANCESTRAL HOME MEANS PERPETUITY, THE APPLICATION OF THE REHABILITATION CONCEPT SHOULD NOT BE APPLIED AS IT IS APPLIED TO INCARCERATED PRISONERS WHO ARE MOVED OUT OF THEIR CELL BLOCKS WHEN THEY ARE CONSIDERED REHABILITATED.

* NEITHER IS THE HOMESTEADER TO BE TREATED AS A COMMODITY ON A SHELF WHERE THE ACCOUNTING PRINCIPLE OF FIRST-IN FIRST-OUT IS THE STATE POLICY.

← Shelf Commodity

* WE HAVE TOO MUCH LAND TO UTILIZE TO JUSTIFY EVICTION WITH THE EXCUSE OF REQUIRING THE LOT FOR THOSE ON THE WAITING LIST.

* WE SHOULD NOT UPROOT PEOPLE, PENALIZE FAMILIES BECAUSE OF ADMINISTRATIVE LETHARGY IN DEVELOPING A LARGE SCALE BUILDING PROGRAM TO ACCOMMODATE THE WAITING

I RECOMMEND THAT AWARDS OF FARM AND RANCH LOTS BE RENEWED FOR SHORTER TERMS (ONLY IF THEY ARE UNDER CULTIVATION), AND NEW AWARDS BE GIVEN FOR LESS THAN 99 YEAR LEASES.

Farm Ranch
less than
99 years
Suicidal Buggi

* A 99 YEAR LEASE FOR A RESIDENTIAL LOT WITH ONLY LEGAL SQUATTER'S RIGHTS ON A LOT OF 10,000 S.F. TO ONE ACRE, DOES NOT EQUATE TO A LARGE ESTATE WITH FARM LOTS OF 40 ACRES OR

RANCH LOTS FOR 500 ACRES, PARTICULARLY WHEN THE ACT ALLOWS LESSEES OF THESE LARGE PARCELS TO SUB-LET THEIR PARCELS FOR INCOME PURPOSES, AND THE RESIDENTIAL AWARDEE HAS NO SUCH SURPLUS LAND FROM WHICH TO GENERATE RENTALS OR ADDITIONAL INCOME.

gross inequities with house lots

* NO ONE IS A FARMER FOR 99 YEARS, BUT A FAMILY REQUIRES A HOME FOREVER.

* LESS THAN 20% OF ALL AGRICULTURAL LOTS ARE UNDER CULTIVATION, LESS THAN 5% OF THE NEW AWARDS ARE CULTIVATED BECAUSE NO WATER OR ACCESS IS AVAILABLE. (DHHL PROJECT OFFICE PERSONNEL)

less 20 % lots under cultivation

* IF JOHN WISE THE FATHER OF THE ACT COULD SURRENDER OR TURN BACK 250 ACRES OF LAND IN KAPAAKEA, BECAUSE HE KNEW HE WAS NOT CUT OUT FOR RANCHING, SO SHOULD THOSE WHO LEASE THEIR LANDS OUT AS INCOME PROPERTIES

* JOHN WILSON, FORMER MAYOR, QUESTIONED THE FAIRNESS OF THE LARGE AWARDS, REASONING THAT IF LARGE RANCH AWARDS OF 1000 ACRES WERE GIVEN OUT, ONLY 200 HAWAIIANS COULD RECEIVE AWARDS FROM THE 203,000 ACRE ALLOCATION TO HHC

THE GREAT LAND GIVEAWAY OF '84, '85, '86, SHOULD BE

Stop giveaway until DHHL economy is designed.

STOPPED IMMEDIATELY.

* FARM LOT LESSEES INCREASED BY 154% FROM 402 TO 1099. BUT THE NEW LOTS HAD NO WATER OR ACCESS. YET MORE THAN 80% OF THE OLD LOTS WITH WATER AND ACCESS WERE NOT BEING CULTIVATED.

Estates of DHHL's

* RANCH LOTS INCREASED BY 18.8% FROM 69 TO 96 AND MORE ARE CONTEMPLATED IN PUUKAPU

3. RESIDENTIAL LOTS INCREASED BY ONLY 9% WITH IMPROVED LOTS

C1 % of Applicants for Homes

* THE WORD ABOUT THE GIVEAWAY HAS CIRCULATED, APPLICANTS FOR FARM LOTS INCREASED BY 765% AND RANCH LOTS BY 108% (DHHL ANNUAL REPORTS). THE PROPERTIED ARE RUSHING TO APPLY FOR THE LARGE PARCELS.

Applicants increased 765% Farms 108% Ranch

* DHHL SHOULD WITHDRAW THE UNUSED LOTS, THE ESTATES IN FALLOW, BEFORE DEVELOPING NEW LANDS. ONE NEED ONLY DRIVE BY THE LOTS IN HOOLEHUA, PANAEWA, AND PUUKAPU TO SEE THAT LESS THAN 20% OF THE LOTS ARE UNDER CULTIVATION AND THIS INCLUDES AWARDS TO THE YOUNG WHO PROFESSED THAT THEY WANTED TO FARM.

Too much land in Fallow

* IT IS SAID THAT MORE WATER EVAPORATES FROM THE RESERVOIR THAN IS USED FOR IRRIGATION PURPOSES.

* AWARDS OF FARM AND RANCH LOTS SHOULD BE MADE TO APPLICANTS WHO WILL RESIDE ON THE ISLAND, WHO WILL SHOW PROOF OF

Residence on Same Island imperative.

RESIDENCY. IN THE AWARD PACKAGES, LANDS WERE AWARDED TO NON RESIDENTS OF THE ISLAND, SOME EVEN RESIDE ON THE MAINLAND. WHAT IS THE PURPOSE OF THIS KIND OF GIVEAWAY.?

THE PRIORITY TO PLACE NON-REAL PROPERTY OWNERS ON THE LAND FIRST, SHOULD BE RE-ESTABLISHED IN THE RULES AND REGULATIONS.

Priority to landless!

* REAL PROPERTY OWNERS SHOULD REMAIN ON THE LIST AND MAY RECEIVE AWARDS AFTER THE NON-OWNERS HAVE BEEN ACCOMMODATED OR SERVED

*MULTI-MILLIONAIRES THE VERY WELL PROPERTIED HAVE RECEIVED LARGE ACREAGES OF LAND, PARTICULARLY FARM AND RANCH.

* WHO CAN JUSTIFY THE EXPENDITURE OF GOVERNMENTAL FUNDS FOR THOSE WHO ALREADY ARE PROPERTIED AND WHO CANNOT BE CONSIDERED DENIED, WANTING OR REQUIRING LAND REHABILITATION.

* THE RATE OF DELIVERY IS TOO SLOW TO JUSTIFY AWARDING AN APPLICANT A SECOND OR THIRD HOME. SINCE 1983, AN AVERAGE OF 20 HOMES PER YEAR HAS BEEN ERECTED. (DHHL STAFF)

Trustee and Fiduciary

THE PERFORMANCE OF THE FEDERAL REPRESENTATIVES AS THE DESIGNATED TRUSTEE AND THE STATE AS THE FIDUCIARY ASSIGNED TO DISTRIBUTE THE LAND RESOURCES TO THE LANDLESS IS AN EPIC OF "LET THEM DO WHAT THEY WILL. IT IS THEIR PROBLEM TO SOLVE."

Sporadic Performance

WHEN A PROGRAM IS NOT ESTEEMED, IT IS IGNORED, ALLOWED TO SELF DESTRUCT OR TO DETERIORATE.

THE SAD HISTORICAL SAGA OF DHHL IS MORE ATTRIBUTABLE TO THE STATE. WITH ITS ACCOMPLICES THEY HAVE PILLAGED AND PLUNDERED THE ASSETS OF THE ESTATE.

State the Villain —

*THE STATE, THE VILLAIN IN THE ONGOING PILFERAGE HAS CONDONED, IGNORED OR CONTRIBUTED TO THE SCANDALOUS AND SOMETIMES DELIBERATELY THIEVING AND DESTRUCTIVE DHHL MANAGEMENT.

*THE WAITING LIST HAS BEEN REPEATEDLY CIRCUMVENTED TO REWARD PREFERRED APPLICANTS, THE REASON FOR THE MANY MANY CHANGES TO THE METHOD OF RECORDING AND AWARDING APPLICANTS, BUT NOBODY CARES.

*THEY HAVE CRIMINALLY TAMPERED WITH THE APPLICANT'S RANK AND RIGHTS ON THE WAITING LIST.

Applicants allowed to make lot selection w/out verified HHC's Guarantee. Should not even be placed on list — per Rules & Regs — (See lot selection acceptance agreement)

*IN AN ARROGANT MISUSE OF THEIR POSITION, DIRECTORS HAVE APPROVED APPLICANTS WITHOUT AFFIDAVIT PROOF OF THEIR QUALIFICATION.

Directors approves 50% Quantum

*LICENSE IS GIVEN TO THOSE WHO JUST MOVE ON THE LAND WITHOUT BENEFIT OF A LEASE (AT KING'S LANDING AS SQUATTERS) AND BUILD THEIR SHACKS. WHO KNOWS IF THEY ARE EVEN QUALIFIED AS NATIVE HAWAIIANS OR BONA FIDE APPLICANTS. BUT THEY ARE MADE LEGAL SQUATTERS.

*PEOPLE WHO SQUAT GET LICENSES. PEOPLE WHO WAIT IN LINE, GET NOTHING. THE COUNTIES IGNORE THE SQUALOR, SAYING IT IS A STATE PROBLEM TO CORRECT. THE STATE APPEARS TO BE ADVOCATING ANARCHISTIC TYRANNY.

Legal Squatters

*LOAN DELINQUENCIES FOR THE FAVORED WERE EXCUSED. 11,000,000 IN LOAN DELINQUENCIES WERE ERASED FROM THE BOOKS TO SHOW PROGRESS, MUCH LIKE THE RAW LAND AWARDS. NON PAYMENT IS ENCOURAGED, BY GOVERNMENTAL AND LEGAL DEFENDERS. 33% OF ALL LOAN ACCOUNTS ARE DELINQUENT, A TOTAL OF 3 MILLION IN INSTALLMENTS ARE OWING; SUFFICIENT TO FINANCE 60 HOME LOANS OR 120 SITES FOR IMPROVEMENT. NO POLITICIAN IS GOING TO PUSH FOR COLLECTION.

What to do with loan delinquencies

*LARGE RANCHERS AND FARMERS WANT TO SUBDIVIDE THEIR SUBSTANTIAL ACRES FOR AWARD TO THEIR CHILDREN WHILE THE ONLY

Ohana Subdivision inequities

OHANA SUBDIVISION AVAILABLE TO A HOME LOT LESSEE IS TO DIVIDE A 10,000S. F. LOT.

*THIS INEQUITY HAS NEVER BEEN ADDRESSED

*FARM LOTS AVERAGE 11 ACRES FOR 1049 LESSEES WHILE RANCHERS AVERAGE 194 ACRES FOR 96 LESSEES.

Patronage

*LARGE GENERAL LEASE PARCELS AND LESSEE AGRICULTURAL PARCELS HAVE BEEN AWARDED TO PATRONS.

State and Terr. use of DHHL lands.

*LANDS WITH VALUE HAVE BEEN WITHDRAWN IN EXCHANGE FOR LANDS OF LESS OR NO VALUE.

*A HARBOR NOW GENERATING BILLIONS IN USE FEES WAS EXCHANGED FOR USELESS MOUNTAIN TOPS.

*THE APPRAISERS MUST CHUCKLE WHEN THEY READ REPEATEDLY THAT DHHL CAME OUT AHEAD ON LAND SWAPS, RECEIVING MORE ACREAGE THAN IT GAVE UP. MORE LANDS OF LESS VALUE WILL ALWAYS EQUATE TO LESS LANDS OF GREATER VALUE.

To be Hawn not enough

*UNFORTUNATELY, EXCEPT FOR THE VERY BEGINNING, THE DEPARTMENT HAS ALWAYS BEEN ADMINISTERED BY A NATIVE HAWAIIAN. APPARENTLY, "TO BE HAWAIIAN IS NOT ENOUGH."

*ADMITTEDLY THE ADMINISTRATORS HAVE OPERATED UNDER A VERY UNTENABLE ARRANGEMENT OF HAVING TO CHOOSE AMONG THE MANY BOSSES: THE GOVERNOR WHO APPOINTS THEM, THE LEGISLATORS WHO

APPROPRIATE FUNDS; THE LEGAL RECIPIENTS WHO HAVE NO TRADE-OFF VALUE OR CLOUT EXCEPT TO PLEA FOR SCRUPULOUS DISTRIBUTION AND ORGANIZATIONS WHO COERCE THEM.

As Hawaiians we have not monitored ourselves very well. We have been inclined to expect everyone else to be ethical in dealing with our programs, while we have failed miserably to apply the same expectations to our own kind whom we should hold more accountable.

No self monitoring

*THE HAWAIIAN COMMUNITY HAS NOT YET IDENTIFIED A COMMON VISION OR PRIORITIES FOR THE DEPARTMENT. DHHL IS OVERWHELMED WITH AREA DEMANDS AND MORE TIMES THAN NOT, OPERATIONS COME TO A STANDSTILL WHILE THE LITIGIOUS PURSUE THEIR OWN AGENDA IN COURT.

Common Vision-

*DHHL HAS BEEN MANAGED AND MANIPULATED THROUGH THE COURTS. OFTEN, CHALLENGE HAS BEEN NEEDED WHEN A STATE APPOINTED ATTORNEY GENERAL FAILS TO ACT IN THE INTEREST OF THE BENEFICIARIES BUT FOR THE STATE, HIS EMPLOYER.

Victims of courts-

* ATTORNEYS REPRESENT INDIVIDUALS WHO HOWL AND THREATEN, AND THE INTIMIDATED ADMINISTRATION QUICKLY PACIFIES THEM WITH LAND ACCOMMODATIONS TO QUELL THE PUBLIC TANTRUM.

IN A POLITICAL YEAR, THE GOVERNOR MUST DECIDE WHO IS IN CHARGE, THE COMMISSION OR THE TASK FORCE. ONLY ONE ENTITY CAN CONTROL THE DEPARTMENT AND ISSUE DIRECTIVES.

*THE TASK FORCE RECOMMENDATIONS SHOULD BE THE WORKING PAPERS FOR THE COMMISSION. THEREAFTER THE COMMISSIONERS ARE IN CHARGE. BUT ONE DOESN'T HEAR MUCH FROM THAT BODY. PERHAPS THEY ARE CONTENT TO FOLLOW THE TASK FORCE PLAYERS. IF SO, THEN THE TASK FORCE MEMBERS SHOULD BE NAMED TO THE COMMISSION.

134 Items

Task force "Do List"
another Administrative layer

THE MAMMOTH TASK FORCE "DO" LIST IS A RESULT OF A SUIT BY A PROFESSIONAL DISSIDENT.

*THE MEMBERS SUBMITTED A LIST OF 134 ITEMS ON A "DO" LIST FOR THE DEPARTMENT. DEVOID OF A VISION OR PRIORITIES, THE MESSAGE IS IMPLICIT, GET ALL OF THESE ITEMS DONE.

Commission vs Task Force

IT DOES NOT IDENTIFY AN ECONOMY FOR THE DHHL ESTATE, AN ULTIMATE GOAL, A VISION, NOR ANY PRIORITIES OR INCREMENTAL STEPS FOR IMPLEMENTATION.

*IF THE TASK FORCE MANDATES ARE TO PREVAIL, THE GOVERNOR SHOULD APPOINT TWO DIRECTORS FOR THE DEPARTMENT OR AT LEAST FOUR DEPUTIES AND DISMISS THE FIGUREHEAD COMMISSION.

* DELOITE, HASKINS AND SELLS WHO CONDUCTED THE MANAGEMENT

STUDY, DID NOT ADDRESS THE T.F. DEMANDS ON DHHL, AS: THE TIME AND STAFF REQUIREMENTS NECESSARY TO ENABLE FULFILLMENT, AND THE IMPACT ON ONGOING OPERATIONS. MOST IMPORTANT IS HOW MANY OF THESE 134 DIRECTIVES CAN BE FULFILLED WITH THE STAFF, ITS ONGOING OPERATIONS, THE BUDGET OF THE DEPARTMENT AND THE TIME DEMANDS.

*THERE HAS NEVER BEEN AN IMPACT ASSESSMENT OF THE DIRECTIVES.

*I AM SYMPATHETIC BECAUSE BESIDE THE TASK FORCE DIRECTIVES, DHHL IS BARRAGED BY REQUESTS FROM THE MYRIAD OF ASSOCIATIONS AND HAWAIIAN GROUPS. IT IS IMPOSSIBLE TO BE ALL THINGS TO ALL PEOPLE: HOMESTEADERS WANT MORE AND AGITATE WHEN THEY ARE NOT FUNDED FOR A CANOE HALAU, CULTURAL VILLAGES IN THEIR AREAS, FLEA MARKETS, COMMUNITY CENTERS FOR PRIVATE USE AND COOP WAREHOUSES. THE "DO" LIST ALSO ESCALATES AS THE APPLICANTS BECOME MORE AND MORE RESTIVE.

DHHL inundated with requests

*TO ADHERE TO THE PRIORITY TO PLACE THE PEOPLE ON THE LAND IN HOMES, IS TO INCUR THE WRATH OF OUR OWN PEOPLE WHO REFUSE TO CONSIDER THEIR REQUESTS AS AMENITIES WHICH CAN BE PROVIDED BY OTHER ENTITIES, NOT A DHHL SWAMPED WITH DEMANDS BY WAITING APPLICANTS.

no priorities

*THE HAWAIIAN GROUPS SHOULD BE ADVOCATES AND AUDITORS WHO PROD THE DEPARTMENT ON TO ADMINISTER AN ETHICAL DELIVERY SYSTEM. INSTEAD THEY ARE GENERALLY ANTAGONISTS OUT TO FEATHER THEIR OWN NESTS OR TO DESIGN THEIR OWN AGENDA FOR DHHL.

THIS DEPARTMENT CANNOT BE RUN BY A TEXT OF LEGAL PRECEDENT. IT MUST BE RUN BY CAPABLE MANAGERS, IT IS A MAJOR LAND DEVELOPMENT ENTITY.

THE MANY ACCUSATORY CHARGES COMMONLY ESPOUSED FOR THE SLOW PACE OF DELIVERY ARE UNFOUNDED.

False assumption

1. THEY CHARGE THE PROGRAM COULDN'T MOVE BECAUSE THE STATE STOLE THE LANDS BY EXECUTIVE ORDERS AND LAND EXCHANGES, WHICH OF COURSE WERE UNCONSCIONABLE ACTS BUT NOT THE PRIMARY CAUSE, THERE IS JUST TOO MUCH REMAINING LAND AVAILABLE THAT IS SITTING IDLE TO GIVE CREDENCE TO THAT CHARGE.

2. THEY SAY THAT ALL THE LANDS LEASED TO NON HAWAIIANS IN THE GENERAL LEASING PROGRAM PREVENT THE NATIVE HAWAIIAN FROM RECEIVING AN AWARD OF LANDS. ALL GENERAL LEASES CONTAIN WITHDRAWAL CLAUSES SHOULD THE LAND EVER

BE NEEDED FOR HOMESTEAD PURPOSES. WE RECALLED HUNDREDS OF ACRES. DHHL HAS JUST NEVER CONSISTENTLY MOVED TO METHODICALLY DEVELOP THE LAND IN LARGE SUBDIVISION PACKAGES

3. THEY SAY BECAUSE THE STATE DOES NOT APPROPRIATE FUNDING, DHHL MUST LEASE THE LANDS OUT,
FALSE....INCOME FROM 47% OF THE LANDS ON 89,873 ACRES, is $2,798,687
THIS IS SUFFICIENT [illegible] ONLY 25 AWARDS A YEAR.
THE DHHL BUDGET IS [illegible] EXCESS OF 2 MILLION,
NOW PARTLY ASSUMED BY THE STATE.

FOR THE PERIOD '79-91 THE LEGISLATURE HAS APPROPRIATED AND APPROVED 162 MILLION TO DHHL.

FROM 1979 TO 1988 88.8 MILLION WAS APPROPRIATED

18.3 FOR LOAN FUND CAPITALIZATION, LEAVING

70 MILLION FOR DEVELOPMENT,

18.8 MILLION WAS UNEXPENDED AND ALLOWED TO LAPSE
(DAGS BOND FUND REPORT, MAY 31, 1989)

22.69 MILLION WILL ELAPSE IN 1990 IF IT IS

Loan Monies
CIP Monies
Expenditures-
See CIP-DHHL
Expenditures
1982-1988
2.7 Million
a year average
'83-'86 - 1.9 Mil.
expended.

NOT EXPENDED

AN ADDITIONAL 50.6 MILLION MUST BE EXPENDED
BY 1992

THAT IS 73 MILLION TO MOVE AND EXPEND IN THREE YEARS.

LOT PREPAREDNESS, IS NOT FINAL DELIVERY UNLESS YOU WANT THE BENEFICIARY TO LIVE IN A TENT. FINAL DELIVER IS PUTTING A HOUSE ON THAT LOT AS EXPEDITIOUSLY AS POSSIBLE. SUBDIVISION PACKAGES MUST BE IMPLEMENTED. THE PROGRAM HASN'T MOVED FOR 10 YEARS, BUT WE HAVE GIVEN UNUSABLE PAPER AWARDS.

lot preparedness only 1/2 of DHHL's job.

4. THEY SAY THE ACT IS AN OBSTACLE TO THE ACCELERATION OF AWARDS. NO LONGER! ANYTHING GOES IN THE NEW ACT
   * THE PACE OF DELIVERY IS DEPENDED ON THE VISION, COMMITMENT, CONCERTED FOCUS, PRIORITIES, ENERGIES EXPENDED AND CAPABILITIES OF THE STATE ADMINISTRATION AND DHHL TO MOVE THE PROGRAM.

IT REQUIRES PLAIN HARD WORK, A VERY THICK SKIN AND AN ENTRENCHED ETHICAL COMMITMENT TO BE JUST AND FAIR.

Just & Fair

THE REWARD FOR THE HARD WORK IS TO SEE THE GLEAM IN THE APPLICANTS EYES, UNBELIEVING THAT THE KEYS THEY HAVE FINALLY RECEIVED ARE FOR THEIR OWN HOMES. THAT ONE MOMENT MAKES THE LABORS AND ABUSIVE UGLINESS ALL UNIMPORTANT.

beamer-46-

Hawaiian Audit Archives

INTERNAL AUDITING OF DHHL PROGRAM DELIVERY BY THE HAWAIIAN COMMUNITY AND THE HHCA COMMISIONERS HAS BEEN NON-EXISTENT OR SHODDY. OUR PAPER TRAIL IS DOTTED WITH DISCARDED FILES, INCOMPLETE OR PADDED CLAIMS.

No internal Audit

APPARENTLY ONLY AN IMPOSED EXTERNAL AUDIT OF FEDERAL SCRUTINY CAN HELP ASSURE CONSISTENT AND CONTINUOUS DELIVERY OF SERVICES AND ACCOUNTABILITY. THE ONGOING LONG TERMS OF CONGRESSMEN CAN OFFER THE SUSTAINED ATTENTION SO BADLY NEEDED.

External Audit needed.

CREDIBILITY IS WANTING IN THE HAWAIIAN ORGANIZATIONS. WE DON'T EVEN BELIEVE IN OURSELVES. OUT OF A POPULATION OF 211,000 ONLY 30% OR 63,452 REGISTERED TO VOTE IN THE OHA ELECTION. MORE DISMAL IS THE 76% TURNOUT OF 48,238 WHO ACTUALLY VOTED, ONLY 22% OF THE HAWAIIAN POPULATION. THE OHA ROSTER OF VOTERS COMPRISED 13% OF THE TOTAL STATE TURNOUT, YET AS A PEOPLE WE COMPRISE 19% OF THE POPULATION. WE LOSE 6% OF OUR CLOUT.

Credibility wanting —

A much needed action by Congress to assure the protection of the investment in us, is to create a small public record keeping entity, a Hawaiian Public Archives, the Archival Ombudsman would consolidate all information and performance

Create Archives Electronic ombudsman of Credible Records/ Reporting data from public and private entitites which serve the native Hawaiian, to assure an accurate historical paper trail. It would be a central repository, a reference source and a library of statistically reliable records and informational data pertinent to the Hawaiian.

This entity would be the data bank electronic ombudsman established to assure the clarity, reliability and verification of claims and reports published by the service entities. The depository would collect, analyze, store and assure a complete paper trail of documented data to affirm our credibility.

Data bank to assure a complete paper trail of accurate information

It would make available: a truthful history of past performances, profiles of needs and strengths, service program mandates, funding sources, audited financial statements of expenditures and investments, entities to whom the service organizations are accountable, administrative and operational budgets, the number of employees, the performance of the organization, the services delivered, the organizational hierarchy, time lines of performance, etc.

Purpose

THOUGH ABSENT FOR TOO LONG AS AN ACTIVE OVERSEER, I DOUBT IF YOU COULD HAVE EXERCISED THE POWER ENTRUSTED IN YOU ANY EARLIER WITHOUT LOSING PUBLIC CONFIDENCE DUE TO THE ABSENCE OF AN INSTITUTIONALIZED DATA BANK OF RELIABLE INFORMATION

needed for decision making.

FROM WHICH YOU WOULD BASE YOUR EVALUATION OR REVIEW.

If the information you receive is inaccurate, padded or incomplete, you will be acting on garbage and your decisions will be garbage. Accurate profiles of performance and a regular reporting system to assure the integrity of the information fed to you, the fiduciary, the Hawaiian organizations and the beneficiaries for decision making are urgently needed.

E.g., without verification by a data bank ombudsman, how would you determine the authenticity or immediacy of the 2500 DHHL AWARD PACKAGE?

Too many inflated statement unverified →

HOW WOULD YOU VERIFY THE STATEMENT THAT FEDERALLY FUNDED ALULIKE DELIVERED 24,000 JOBS...there are only 514,000 in the state work force, of which,102,678 are Hawaiians, (19%), 97,857are employed, a 4.7% unemployment rate(interpolated to Health surveillance total Hawaiian count from State Data Book 1988)
Did Alulike place really 24% of all Hawaiians in the work force? (Star Bulletin quotation, see appendix)

We have no way of verifying the claim, since ALULIKE HAS NEVER SUBMITTED AN ANNUAL REPORT TO THE PUBLIC. THE LAST REPORT WAS PUBLISHED IN 1985-86 WITH AN APPARENTLY LIMITED

CLOSED DISTRIBUTION. COPIES ARE UNAVAILABLE IN THE PUBLIC LIBRARIES(JULY 8, 1989). Yet it has received 60 million in Federal funds without a public accounting.(STAR BULLETIN QUOTE, SEE APPENDIX)

OHA HAS NOT SUBMITTED AN ANNUAL REPORT SINCE 1985-86.

Annual
Reports
Non existent

AND, WE HAVE NO WAY OF KNOWING WHERE THE 21 MILLION IN FEDERAL FUNDS AWARDED TO KAMEHAMEHA AS THE DISBURSING AGENCY, WAS USED. KAMEHAMEHA, A PRIVATE ENTITY, NOT SUBJECT TO THE FREEDOMS OF INFORMATION ACT, DOES NOT SUBMIT DETAILED REPORTS TO THE PUBLIC, except to say we taught 20,000 to sing, play the ukulele, weave,file for grants, etc, but only 3,000 are enrolled in the school. We don't know the distribution of its 300 million income for 1988 nor of the additional 21 million in Federal funds.

Haw'n Big
Business

SERVING THE NATIVE HAWAIIAN IS BIG BUSINESS IT IS A LUCRATIVE BILLION DOLLAR INDUSTRY. MILLIONS OF FEDERAL, STATE AND PRIVATE FOUNDATION DOLLARS ARE FUNNELLED INTO THE PLETHORA OF ENTITIES. REGRETTABLY BUREACRACIES CONSUME MOST OF THE FUNDING AND VERY LITTLE FILTERS TO THE INTENDED RECIPIENTS.

Just the Federal dollars reported in the papers attributed to your assistance Senator is substantial:

*83 million of past federal appropriations for which you are credited

*90 in the next three years,

*6 million FMHL

*4 million to OHA

*20 million for E Ola Mau, Health Program

1.2 million proposed use of CDBG funds to DHHL

8.0 million Alulike BUDGET

--- million FHA HUD MORTGAGE FINANCING

THEN THERE IS:

*62.8 million, DHHL ongoing fund portfolio plus 99 million in appropriations for CIP projects,'79-'89, 187,000 acres of tax valued land in excess of 1.5 Billion

*4.8 million as a OHA budget plus an investment portfolio of 3.6 million

*4+ million budget for Liliuokalani Trust plus 10,000+ in land assets

*300 million for Kamehameha,plus 21 million from federal funds and an estate of 300,000+ acres

*There are many other program I have not reported.

The kind of self audit and library of profiles and performance the Archival Ombudsman would offer protects the credibility of the entities utilizing public and private funds. Programs closed to public scrutiny are laboratories

Too many closed to public scrutiny

for greed and fraudulence.

Banking and publishing data encourages authenticity and truthful program reporting. It should discourage grossly inflated claims to assuage the waiting beneficiaries. It should open the availability of access to most records for use as management tools for increased productivity.

Open systems of reporting define program jurisdictions and help identify if the overlapping of services among entities is wasteful, inefficient or needed.

An Archives which insists on corroborative data of information collected or researched, discourages abuse, blatant misuse of funds, exaggerated claims or bureaucratic malaise.

OHA would have been the logical entity for the Archives but if it is derelict in its own accounting and management of records we cannot rely on its internal reporting integrity or accountability to bring light to the so many dark corners or to illuminate the productive programs.

Oha disqualifies self

THE DHHL FORMAT HAS BEEN INCONSISTENT. IT MUST ALSO INCLUDE THE NAMES OF EACH AWARDEE FOR THE YEAR, WITH THE PERTINENT APPLICATION DATA.

A HAWAIIAN ARCHIVES AND OMBUDSMAN CAN ONLY RESULT IN THE INCREASED BENEFITS FOR THE NATIVE HAWAIIANS AND PROVIDE A DATA PROFILE TO ENABLE THE DECISIONMAKERS TO INTELLIGENTLY DIRECT RESOURCES.

HOUSE CONCURRENT RESOLUTION, 364 ADOPTED BY THE FIFTEENTH LEGISLATURE, 1989, REGARDING A TASK FORCE FOR HAWAIIAN SERVICES IS NOT A DATA BANK AVAILABLE FOR READY RETRIEVAL. (ATTACHED RESOLUTION, HCR 364)

……

A DHHL TOWNHALL MEETING IS URGENTLY NEEDED TO PROVIDE COHERENCE TO A RUNAWAY INCOHERENT PROGRAM. THE SENATE SELECT COMMITTEE ON INDIAN AFFAIRS AND THE HOUSE INTERIOR AND INSULAR AFFAIRS COMMITTEE COULD CONVENE A THREE DAY MEETING OF HAWAIIAN ORGANIZATIONS.

*THE ONLY PURPOSE WILL BE FOR EACH TO PRESENT AND DISCUSS ITS PERCEIVED VISION FOR DHHL, THE ULTIMATE GOAL AND A DHHL ECONOMY.

*THE PROBLEMS OF THE PAST CAN BE USED AS A BASIS FOR THE VISION.

* EACH WOULD ALSO BE ASKED TO SUBMIT FIVE RANKED PRIORITIES AS THE INITIAL FOCUS REQUIRED TO MOVE TOWARDS THE ULTIMATE GOAL SUBMITTED.

*EACH ENTITY WILL SUBMIT AN ECONOMIC PERCEPTION OF DHHL.

Rabbi's Round table discussion,
Hawaii Townhall for NHHL works
Goal and Priorities needed!
Need to define a Economy for DHHL

Forum

IDENTIFYING THE RESOURCES AND ASSETS OF DHHL, HOW IT SHOULD UTILIZE AND DEVELOP THESE ASSETS OR REAL WEALTH AND HOW IT WOULD DISTRIBUTE THE BENEFITS ACCRUED TO DHHL

*IT WILL BE INCUMBENT UPON EACH ENTITY TO ASSESS ITS SHOPPING LIST FOR DHHL AND TO HONE A WORKABLE ACHIEVABLE ECONOMIC AGENDA FOR THE DEPARTMENT.

EACH ENTITY WOULD SEND THREE DELEGATES, THERE WOULD ALSO BE AN OPEN ASSEMBLY TO ACCOMMODATE NON-GROUP INDIVIDUALS WHO MAY ATTEND AND SUBMIT THEIR RECOMMENDATIONS.

*OPEN DISCUSSIONS REGARDING THE SUGGESTED PRIORITIES WOULD PROVIDE INVALUABLE DECISION MAKING INFORMATION FOR THE POLITICAL BODIES, STATE AND FEDERAL, HAWAIIAN ORGANIZATIONS AND INTERESTED BENEFICIARIES.

THE RESULTS COULD PROVIDE CONSTRUCTIVE INFORMATION. IT WON'T END THE HUKI-HUKI, THE FRAMENTATION, BUT IT WOULD CERTAINLY MITIGATE THE ADVERSARIAL RELATIONSHIP AND PROVIDE DIRECTIVES FOR COHESIVE ACTION AND INTERIM GOALS.

EVERY ENTITY MUST THINK THROUGH THE IMPACT OF ITS SUGGESTION REGARDING STAFF TIME, COST TO IMPLEMENT AND TO IDENTIFY THE FUNDING SOURCE, AND THE BENEFICIARY.

EACH WOULD FORMULATE THE BEDROCK OF A SUGGESTED WORKABLE ECONOMIC AGENDA FOR DHHL.

* E.G. IF A GROUP ADVOCATES ENTITLEMENTS OF LOAN FREE HOUSING, AND IS AGAINST EVICTION FOR NON PAYMENT OF LOANS, THEN THE QUESTIONS REGARDING AN ACTION PLAN MUST BE ANSWERED.

* SHOULD ALL AWARDEES BE GIVEN FREE HOMES AND LOTS?

*IF SO, WHAT IS THE COST?

*WHAT WOULD BE THE FUNDING SOURCE?

*AND IS IT LIKELY THAT THE SOURCE IS AVAILABLE.

*WHAT IS THE ECONOMIC IMPACT ON THE DHHL COMMUNITY?

IN AREAS WHERE IT WOULD OTHERWISE BE POLITICAL SUICIDE TO TREAD, THE HAWAIIAN ENTITIES PRESENT WOULD MAKE THE HARD DECISIONS. VERY CRITICAL QUESTIONS WOULD BE ASKED WHICH THE POLITICAL TASK FORCE DARED NOT ADDRESS

Make hard decisions politicians won't make —

*WHAT SHOULD BE DONE WITH 25,000 ACRES OF AWARDED FARM AND RANCH LANDS IN FALLOW?

* IS IT ECONOMICALLY SOUND TO ALLOW THESE LANDS TO SIT IN IDLE NON PRODUCTIVITY, WHAT IS THE IMPACT ON THE DHHL ECONOMY?, ETC.

* IS THE ACT A PROGRAM FOR THE LANDLESS FIRST?

* OR IS IT NOW A PROGRAM OF LAND ENTITLEMENTS FOR ALL AS PROMULGATED BY THE TASK FORCE?

EVEN THE LEGAL ENTITIES, NEED TO IDENTIFY WHAT THEY BELIEVE TO BE THE MISSION AND PRIORITIES FOR DHHL.

* DO THEY WANT DHHL TO PROVIDE FREE HOMES TO HOMESTEADERS?
* DO THEY BELIEVE THAT DHHL SHOULD RECALL UNCULTIVATED FARM LANDS?
* WHAT SHOULD DHHL DO WITH SQUATTERS?
* DO THEY WANT DHHL TO BE SELF SUPPORTING LIKE BISHOP ESTATE, OR FULLY FUNDED BY THE GOVERNMENT?
* IT IS JUST TO EASY TO PLAY THE ROLE THAT THEY HAVE BEEN PLAYING, OF CIRCLING OVERHEAD READY TO PICK THE FLESH OFF THE BONES OF THE DYING CARCASS, WITHOUT A CONSTRUCTIVE AGENDA OF THEIR OWN. EVEN AN ATTORNEY MUST BE GUIDED BY AN ETHICAL BASE AND THE DHHL GOAL CONTEXT FROM WHICH HE OPERATES.

legal entities must participate

REQUIRING A STATEMENT WILL FORCE EACH ENTITY TO THINK THROUGH ITS DEMANDS AND THE REASON FOR THE SAME AND ESTABLISH A COMPREHENSIVE OVERVIEW AND UNDERSTANDING OF WHAT THE CONSIDERATIONS MUST BE TO MANAGE DHHL OR ANY CORPORATION.

THE FORMAT WILL BE PATTERNED AFTER THE "ROUNDABLE OF RABBIS", WHERE THE SAME QUESTION IS REPEATEDLY DISCUSSED AROUND AND AROUND THE TABLE UNTIL THERE IS UNANIMITY.

* 1ST DAY, RECEIPT OF VISION STATEMENT AND 5 RANKED

PRIORITIES FROM EACH ENTITY

# COLLATE AND RANK ALL GROUP PRIORITIES RECEIVED

#SUBMIT TO EACH ATTENDANT, A PRINT OUT OF ALL PRIORITIES AND THE RANKING RECEIVED FROM EACH GROUP AND THE COLLATED ASSEMBLY RANKING OF THE PRIORITIES

*DISCUSSION ON HOW MANAGEMENT USES THESE FUNCTIONS OR MISSION STATEMENTS

#COST OF IDEAS, ASSESS IMPACT ON STAFF AND DESIGN DELIVERY DATE OF PRODUCTS.

# OPEN ASSEMBLY DISCUSSION

*2ND DAY,RESUBMIT PRIORITIES, RE-RANK AND SUBMIT A NEW PRINTOUT TO THE ATTENDEES

#SPEAKERS WILL ADDRESS THE AREAS LISTED AS PRIORITIES, DISCUSS IMPACT CONSIDERATIONS

# OPEN ASSEMBLY DISCUSSION

3RD DAY, START WITH OPEN DISCUSSIONS

RESUBMITTAL OF VISION AND RANKED PRIORITIES

COLLATE PRIORITIES AND FINAL SEQUENCE OF RANK

SUBMIT PRINTOUT TO EACH ENTITY

SUBMIT SUGGESTIONS TO CONGRESSIONAL REPRESENTATIVES, TO DEPARTMENT OF INTERIOR, TO STATE ENTITIES. TO HHC.

PURPOSE: IDENTIFY THE PERCEIVED ECONOMY FOR THE DHHL

COMMUNITY, THE VISION AND ULTIMATE GOAL

TO ENCOURAGE RECOMMENDATIONS FOR THE MANAGEMENT OF THE RESOURCES AND GENERATION OF WEALTH OF THIS COMMUNITY AND DISTRIBUTION OF THE BENEFITS TO THE HEIRS.

THE RANKED PRIORITIES OF THEIR ACTION LIST WHICH WOULD PROVIDE INSIGHTS AS TO HOW THEY PERCEIVE THE DHHL COMMUNITY,

HOW THEY WOULD DISTRIBUTE AND USE THE DHHL INCOME AND RESOURCES AND GENERATE WEALTH, IF THEY WOULD,

WHAT THEY PERCEIVE AS EFFICIENT MANAGEMENT AND

THE ESTEEM THEY HOLD FOR THE PROGRAM AND THE BENEFICIARIES.

Attention Needed!

THERE SHOULD BE A CALL FOR AN IMMEDIATE AUDIT OF THE DHHL APPLICANT LIST (SEE ADDENDUM):

*NOT A MANAGEMENT AUDIT

*NOT A FISCAL AUDIT

*BUT AN AUDIT OF PEFORMANCE IS NEEDED WHICH CAN BE EXTRACTED FROM THE APPLICANT LIST

*THE RATE OF DELIVERY OF AWARDS CAN BE ETRACTED

* A PROFILE IS NEEDED TO DETERMINE WHO AND HOW MANY RECEIVED AWARDS IN EACH TWENTY YEAR SPAN, HOW LONG WERE THEY ON THE WAITING LIST? WHAT KIND OF AWARD DID THEY RECEIVE? WHAT HAS BEEN THE PATTERN OF USE, ETC.

Why are applicants placed on the list and allowed to make a lot choices without blood verification (see lot selection agreement) contrary to rules and regs.

*THE FOCUS OF THE AUDIT ON THE METHOD AND RATE OF DELIVERY WILL PROVIDE A PROFILE PERSPECTIVE TO ENABLE AN ACCURATE ASSESSMENT OF DHHL REQUIREMENTS NEEDED TO SATISFY THE WAITING, AS THE:

*PROGRAM FACETS

*FINANCIAL REQUIREMENTS

*MANAGEMENT EXPERTISE REQUIRED

*DEVELOPMENT PROGRAMMING

* WITHOUT THIS INFORMATION CONGRESS WILL BE ACTING ON OPINIONS OF THOSE WHO MAY BE DEFENSIVE, ADVOCATING THEIR OWN INTEREST, OR THE ZEALOTS.

*NOT EVEN MORE MONEY IS THE ANSWER, ALTHOUGH, NOW IS THE

TIME TO EXPLORE VARIOUS FUNDING ALTERNATIVES.

CONGRESS CAN OFFER THE KIND OF ATTENTION TO THE PROGRAM THAT WOULD HELP TO ESTABLISH INTERNAL AND EXTERNAL COHERENCE FOR A MORE CONSISTENT PERFORMANCE PATTERN. I RECAP THE SUGGESTIONS SUBMITTED IN THIS TESTIMONY:

Congressional Assistance

1. CALL FOR AN AN IMMEDIATE AUDIT OF THE APPLICANT LIST. SEE ADDENDUM FOR DETAILS. RESTORE RAW LAND AWARDEES TO THEIR ORIGINAL RANK ON THE WAITING LIST.

Audit

2. CREATE A HAWAIIAN ARCHIVES AND OMBUDSMAN TO ASSURE A CERTIFIED HISTORICAL PAPER TRAIL OF VERIFIED ACCOUNTABLE REPORTING TO THE NATIVE HAWAIIAN.

Archives

3. OUTLAW THE REWARDING OF RAW LANDS

Raw lands

4. CALL FOR THE RESTORATION OF LESSEE AWARDS TO THE LANDLESS, NON PROPERTY OWNERS FIRST BEFORE OPENING THE AWARDS OF HOMESTEADS TO THE PROPERTIED.

Property owners?

5. REQUIRE DHHL TO ESTABLISH AN OUT-REACH SEARCH PROGRAM TO REGISTER THE LANDLESS QUALIFIERS FOR THE APPLICANT LIST

Out-reach for Qualified

6. ASSURE THE EXTENSION OF THE 99 YEAR RESIDENT LOT EXTENSION

Extend 99 yr lease.

7.ASK FOR REVIEW OF THE FARM AND RANCH PROGRAM, PARTICULARLY REGARDING THE 99 YEAR LEASE TERMS.

Review equit of Farm & Ranch

8.CREATE AN AD HOC GROUP WITH THE DEPT. OF INTERIOR TO COMPLETE THE FINAL INVENTORY AND TITLE SEARCH OF LANDS, WITH MAPS, DESCRIPTIONS, CORRECTED ACREAGE AND BOUNDARIES DEFINED IN THE HHCA OF 1920.

Inventory DHHL define lands

9.AMEND THE ACT TO ENFRANCHISE THE HOMESTEADER OF THE RESIDENTIAL LOTS TO ALLOW EQUITY PARTICIPATION IN HIS AWARD.(ADDENDUM)

Enfranchise

10.OPEN THE WAY FOR DHHL TO QUALIFY FOR FEDERAL FUNDING PROGRAMS.

Federal Progr

11.CONVENE A DHHL TOWNHALL ROUNDTABLE SESSION OF HAWAIIAN ENTITIES TO SOLICIT THEIR PERCEIVED RANKED PRIORITIES AND VISION FOR DHHL, THE ULTIMATE GOAL AND THE ECONOMIC BASE FOR DHHL.

DHHL [illegible] Roundtable Town Hall

State Responsibility

I BELIEVE THAT THE STATE IS ULTIMATELY ACCOUNTABLE FOR THE SUCCESS OF THE PROGRAM. IT IS ON SITE, IT CAN MONITOR MANAGEMENT AND SUGGEST NEEDED CHANGES TO ALLOW GREATER DEVELOPMENT OF THE RESOURCES AVAILABLE TO DHHL. IT MUST

State [illegible]

REQUIRE REGULAR INCREMENTAL DELIVERY OF BENEFITS.

IT ALONE IS RESPONSIBLE FOR FRAUDULENT MANAGEMENT.

Show progress

THE STATE MUST SHOW THE ABILITY TO MOBILIZE ONGOING INCREMENTAL EXPENDITURES THROUGH ITS EXISTING CIP ALLOCATIONS.

* IT CANNOT LOOK TO THE MANAGEMENT OF GREATER SUMS UNLESS IT PROVES IT CAN MANAGE SMALLER INCREMENTS AND PRODUCE BY HANDLING LESSER SUMS.

IN THE LAST DECADE 18 MILLION WAS ALLOWED TO LAPSE.

*THE AVERAGE CIP EXPENDITURE PER YEAR WAS 3 MILLION(SEE DHHL SUBMITTAL OF CIP EXPENDITURES ATTACHED)

*73 MILLION IS AVAILABLE AND MUST BE EXPENDED BEFORE 1992.

* 17 MILLION SITS IN AN INTEREST BEARING ACCOUNT

*NO LOAN REQUESTS HAVE BEEN SENT TO FMHL FOR YEARS

* AND ONLY 36 REQUESTS HAVE BEEN SENT TO FHA-HUD.

*SUBDIVISION DEVELOPMENT MUST BE REINSTATED. TO FOSTER GREATER MOVEMENT

* THERE HAS BEEN TOO MUCH ORATING AND NOT ENOUGH ACTION.

Reinstate
Subdivision
Development

REALTORS HAVE IDENTIFIED THEIR TOP THREE PRIORITIES AS LOCATION, LOCATION AND LOCATION.

DHHL'S TOP THREE PRIORITIES MUST BE DELIVER HOMES TO THE LANDLESS, DELIVER HOMES TO THE LANDLESS AND DELIVER HOMES TO THE LAND LESS.

DHHL CANNOT BE RUN BY OR DEVELOPED BY AN ENCYCLOPEDIA OF LEGAL PRECEDENT. IT CANNOT BE RUN BY A RANDOM INCOHERENT "DO LIST", WITH NO OVERALL VISION FOR ULTIMATE ACCOMPLISHMENT.

IT MUST BE RUN WITH A VISION TO PROVIDE THE MOTIVATION FOR COHERENT MANAGEMENT. THE DHHL VISION IS THE ULTIMATE GAUGE FOR THE MEASUREMENT OF ITS PERFORMANCE.

DHHL MUST BE RUN BY CAPABLE MANAGERS SKILLED IN LAND DEVELOPMENT. IT SERVES THOSE ON THE WAITING LIST AND CREATES A PHYSICAL ENVIRONMENT FOR THOSE WHO RESIDE ON THE LAND. THEN IT IS OBLIGED TO REACH OUT TO IDENTIFY THOSE WHO QUALIFY BUT WHO HAVE NOT REGISTERED ON THE WAITING LIST.

DHHL IS SECOND ONLY TO THE BERNICE PAUAHI BISHOP ESTATE AS LARGEST LAND HOLDERS IN THE STATE.(STATE ATLAS). THE MISSION OF THE PAUAHI BISHOP ESTATE IS TO GENERATE MAXIMUM REVENUES FROM THE LAND TO SUPPORT THE OPERATIONS OF THE SCHOOL, THE REVENUES FUND THE EDUCATIONAL OFFERINGS TO THE CHILDREN OF HAWAII. IT HAS A STAFF OF 400+ TO DEVELOP THE LAND, AND ANOTHER STAFF OF NEARLY A 1,000 TO SERVICE THE SCHOOL SERVICES AND FACILITIES. ITS ANNUAL INCOME IS 100

2nd largest
landed Estate

MILLION.

DHHL HAS 150 EMPLOYEES IN TOTAL
AND ITS MISSION IS DEPENDENT ON WHO IS IN COURT.

When the Act of 1920 was conceived there was not the proliferation of agencies and foundations devoted to the servicing of the needs of the native Hawaiians. The Hawaiian Homes Commission was overloaded with charges to service the homesteaders.

Its already meagre funds were diverted to the Department of Education to fund special classes for homestead preschoolers, to fund Programs for Farmers and Ranchers, to fund the salaries of Social Workers hired by the Dept. of Social Services to attend to the homesteader, the list is endless.

What everyone ignored in this deliberate separation of needs, as though the Hawaiian required isolation, was that they were and are taxpayers and should have readily received these services from the state regardless of their ethnicity or their residence on homestead lands. As monies were diverted for these special needs, the program and funding to place more qualifiers on the land shriveled from want of sufficient funding and staff to implement.

Impulsive uninformed legislative tampering with the provisions and the addition of new frivolous constituency demands imposed on the department is dangerous. The State Constitutional Convention of 1978 imposed two such questionable changes. First was the Native Hawaiian Rehabilitation fund, open to all Hawaiians, a business program of grants, endowments, etc., which really belongs with Oha or Alulike. And second, the concept of the Negotiated Native Hawaiian General Leases, based on minimum appraised rentals to give the Hawaiians first choice at minimal rentals is self defeating.

Presently, a plethora of Hawaiian Service programs and entities exist. The Department of Hawaiian Home Lands need not be "Big Daddy" to the homesteader. The homesteader's dependencies must move beyond the homestead boundaries, to the greater community, e.g., agricultural help is readily available from the Federal government and the University community college systems and other Hawaiian entities.

Cannot be "Big Daddy"

ALL OF THE HAWAIIAN ENTITIES SHOULD OPERATE SYMBIOTICALLY AND INDEPENDENT OF EACH OTHER. OVERLAPPING TRUSTEESHIPS OR MANAGEMENT SHOULD BE DISCOURAGED. EACH SHOULD BE ACCOUNTABLE FOR AND SHOULD MAINTAIN ITS OWN CONTROL, BUT EACH SHOULD ACT TO CONTRIBUTE ITS UTMOST TO FULFILL ITS ONE UNIQUE MANDATE

Hawn Symbiosis

TO SERVE THE HAWAIIAN CLIENTELE.

EACH ORGANIZATION SHOULD RE-DEFINE ITS GOALS, IDENTITY AND FOCUS ON THE UNIQUE SERVICE IT PROVIDES TO THE NATIVE HAWAIIAN THAT NO OTHER ENTITY HAS THE RESOURCES OR MISSION TO PROVIDE.

MORE THAN UNIFICATION, IDENTIFICATION OF THE INDIVIDUAL ROLE OF EACH ENTITY IS THE PARAMOUNT GOAL. WHEN THIS IS DONE INCREMENTAL STEPS FOR DELIVERY OF SERVICE FOLLOW NATURALLY.

THE PRIMARY ROLE OF HAWAIIAN HOMES IS TO PLACE THE PEOPLE ON THE LAND. IT IS THE ONLY ENTITY WITH A LAND RESOURCE DESIGNATED FOR THAT PURPOSE.

Enterprise
- Land Developer

KAMEHAMEHA, THE BERNICE PAUAHI BISHOP ESTATE MUST FOCUS ON THE EDUCATION OF THE CHILD OF HAWAIIAN ANCESTRY, WHETHER THAT CHILD LIVES ON OR OFF THE HOMESTEAD SUBDIVISIONS.

- Educate

OHA CAN BE THE LEGISLATIVE ARM, THE LEGAL WATCHDOG OF THE LAND ASSETS OF THE ENTITIES.

ALU LIKE CAN OFFER PROGRAMS FOR THE ECONOMIC AND SOCIAL NEEDS

- Economic

LILIUOKALANI TRUST CAN CONTINUE ITS FINE WORK WITH THE ORPHANS.

MORE CAN BE DEFINED FOR THE MANY OTHER ENTITIES.

THERE IS NO NEED FOR THESE ORGANIZATIONS TO PARTICIPATE IN THE CHRONIC WARFARE OF KINGDOM SNATCHING OR TERRITORIAL INFILTRATION. EACH SHOULD DO ITS OWN JOB AND DO IT WELL.

Summary

THERE IS ONLY ONE ENTERPRISE OR PROJECT FOR DHHL AND THE CRIMINAL PERFORMANCE OF THIS ENTERPRISE IN THE LAST 68 YEARS SHOULD BURN A BRAND OF COMMITMENT IN ALL CONCERNED TO RECTIFY THE DISMAL EXECUTION OF THIS CONGRESSIONAL AND STATE MANDATE. ONLY 3300 HAVE BEEN PLACED ON THE LAND BY THIS FEDERAL ENTERPRISE CREATED 68 YEARS AGO. THE NUMBER OF 5803 LESSEES LISTED IN THE ANNUAL REPORT IS INFLATED BY THE 2500 PAPER AWARDEES WHO ARE NO WHERE NEAR ABLE TO OCCUPY THEIR LOT SELECTIONS. THE PERFORMANCE RATE OF 3300 IS THE ONLY GAUGE OF PERFORMANCE. IT SHOULD NOT BE OBSCURED BY TOUTED CREDITS FOR THE REQUIRED SUBSIDIARY CONCURRENT HOUSE CLEANING.

LAND EXCHANGES. ILLEGAL USE OF LAND. INCREASE IN ADMINISTRATIVE BUDGETARY SUPPORT ARE SUBSIDIARY RESPONSIBILITIES WHICH SEEM TO HAVE DIVERTED ATTENTION FROM THE PRIMARY PURPOSE OF THE ENTERPRISE AS A SUBSTITUTE FOR THE ACHIEVEMENT OF THE PRIMARY PURPOSE.

* SO THE LAND RENTALS WERE INCREASED. THE QUESTION MUST BE ANSWERED. WHILE YOU WERE DOING THIS. HOW MANY MORE PEOPLE WERE CONCURRENTLY PLACED ON THE LAND THIS YEAR WITH COMPLETED AWARDS?

* SO DHHL GAVE OUT 2500 AWARDS IN AN ACCELERATED PROGRAM, BUT, FIVE YEARS LATER, HOW MANY OF THOSE AWARDEES ARE NOW ON THE LAND IN COMPLETED HOMES? I'LL TELL YOU, 123, 5%, 22 A YEAR!!

* SO "X" NUMBER OF LOTS WERE IMPROVED, THAT IS JUST THE FIRST PHASE, HOW MANY OF THOSE LOTS ARE NOW COMPLETED AND OCCUPIED WITH HOMES? NONE!!

* THOSE IN THE AUDIENCE WHO MAY BE ONE OF THE VERY FEW IN THE 2500 PACKAGE WHO HAVE A HOME ON YOUR LOT, SHOULD NOT FORGET THE MORE THAN 2300 WHO ARE STILL WAITING, AND THOSE WHO WILL WAIT UNTIL 1995 OR BEYOND THE YEAR 2000.

THE MEASURE OF THE PROGRAM IS NOT THE PAPER AWARDS, NOR IMPROVED LOTS, OR THE NUMBER WHO CAME IN FOR HOUSE PLAN APPROVALS AND WHO STILL MUST ARRANGE FOR FINANCING. THE MEASURE OF THE FINAL ACCOUNTING IS THE NUMBER ACTUALLY RESIDING ON THE LAND IN COMPLETED HOMES.

IN THE LAST DECADE, THE HHC ACT AND RULES AND REGULATIONS HAVE BEEN METHODICALLY DISMANTLED. ITS AMENDMENTS OPENING THE WAY FOR MASSIVE PLUNDERING BY THE PROPERTIED WEALTHY HAWAIIAN. THESE LANDOWNERS, HARDLY IN NEED OF REHABILITATION ARE RUSHING TO CLAIM THEIR ENTITLEMENT BY APPLYING FOR A HAWAIIAN HOME LANDS AWARD.

THE LANDLESS, THOSE FOR WHOM THE LAND DISTRIBUTION WAS INTENDED ARE AGAIN PUSHED ASIDE BY THE PROPERTIED.

CONGRESS DID NOT DO THIS TO US. THE STATE ALLOWED US TO DO THIS TO OURSELVES. IF THIS IS WHAT WE WANT, FINE, BUT BE AWARE OF OUR OWN ACCOUNTABILIITY AND ROLE IN THE TRAVESTY.

I OBSERVE THE PROGRAM TO BE WITHOUT COHERENCE, CONSTANTLY IN THE THROES OF MANIPULATION FROM EVERY CONCEIVABLE INTEREST GROUP WHO STAND FOR NOTHING BUT THEMSELVES. IN THE OLD PAST, THE PLUNDER AND PILLAGE WAS ON A COMPARATIVELY SMALL SCALE. NOW, JUSTIFIED AS A HAWAIIAN ENTITLEMENT, THE AWARDING OF RAW LANDS HAS ESCALATED TO THE WHOLESALE OPEN PILFERAGE OF THE LANDS.

IT IS SAID, THAT WE ARE ALL GIFTED WITH MEMORY, THAT WE SHOULD STOP AND LISTEN TO WHAT THAT MEMORY HAS TAUGHT US, THEN, WE SHOULD REMEMBER AND REMEMBER, AND THEN FOR GOD'S SAKE, WE SHOULD DO SOMETHING TO CORRECT THE TRAVESTY.

I WONDER IF THE TRAVESTY ALLOWED TO ESCALATE IN THE DECADE PAST CAN BE CORRECTED, OR IF WE AS HAWAIIANS REALLY WANT IT CORRECTED. THE CARPETBAGGING SCAVENGERS HAVE ALREADY STUFFED THEIR BAGS IN A GAME OF FINDERS KEEPERS. OTHERS ARE FLOCKING TO QUALIFY AS NATIVE HAWAIIANS.

BEFORE WE HAVE EVEN COME CLOSE TO MEETING THE OBLIGATION OF THE OLD, THE FRAMERS OF THE NEW PHILOSOPHY HAVE CHANGED THE RULES. THEY SAY, WE MUST NOT DISCRIMINATE AGAINST THE NATIVE HAWAIIANS AT EITHER END OF THE ECONOMIC SCALE, THE LAND RICH OR THE LANDLESS. (T.F.14)

ABSOLUTE FOOLISHNESS!! AND WHY NOT DISCRIMINATE AGAINST THE LANDED IN FAVOR OF THE LANDLESS? OUR HISTORY RECORDS TOO GRAPHICALLY THE CHRONIC DISCRIMINATION AGAINST THE LANDLESS BY THE UNCONSCIONABLE LANDED.

NOW IT IS THE TURN OF THE LANDLESS TO RECEIVE FIRST. IF THIS IS DISCRIMINATION IN THEIR FAVOR, SO BE IT! IT IS LONG LONG OVER DUE.

REPEATEDLY EXCLUDED AND FRAUDED BY OUR OWN PEOPLE, ARE THOSE WHO HAVE NEVER RECEIVED THEIR PARCEL AND THOSE WHO RECEIVED THEIR PARCEL WITHOUT RECEIVING THE BENEFIT OF USING THE EQUITY OF THE IMPROVEMENTS.

EVERYONE IS BENEFITTING FROM THE APPRECIATING VALUE OF OUR LANDS IN HAWAII, EVEN THE FOREIGN INVESTORS, BUT NOT DHHL LESSEES WHO HAVE NEVER BEEN ENFRANCHISED AND CONTINUE TO BE TREATED AS THOUGH THEY WERE INFANTS OR MENTAL INCOMPETENTS.

THE QUALIFIED PERSONS SIT QUIETLY, WAITING, WATCHING AND TRUSTING, BELIEVING THAT THEIR TURN WILL COME SOON, OR THAT

MAYBE SOMEDAY ALL OF THIS WILL BE RIGHTED.

OF COURSE THEY ARE ENCOURAGED WHEN THEY OBSERVE AWARDS BEING MADE. IT IS THEN THAT THE SKEPTICS, DISCOURAGED BY AN UGLY PAST, SEE MOVEMENT AND ARE MOTIVATED TO TRUST AGAIN. THEY APPLY.

* IN 1979, AFTER THE DELIVERY OF 1300+ HOUSE AND LOT AWARDS, THE APPLICANT LIST DOUBLED. SINCE THE 2500 RAW LAND PACKAGE, THE WAITING LIST HAS AGAIN DOUBLED.

THE RECIPIENTS OF THE RAW LAND AWARDS WERE ECSTATIC THAT THEY HAD RECEIVED LAND, AND THAT SO MUCH WAS DISTRIBUTED. BUT THEIR TRUST HAS NOT BE HONORED. THEIR DIGNITY AND SELF ESTEEM WERE DEMEANED WITH AN INCOMPLETE DECEPTIVE AWARD PACKAGE.

THESE PEOPLE HAVE NO VISIONS OF BECOMING HAWAIIAN GENTRY ON LARGE ESTATES ON DHHL LANDS. THEY ONLY WANT DELIVERY OF A HOME ON A SMALL PARCEL OF WHICH THEY CAN CALL THEIR OWN AND TO DEVELOP THEIR VERY PRIVATE FINANCIAL PORTFOLIO FROM THAT EQUITY. WE HAVE NEVER BEEN CONSISTENTLY NOBLE IN OUR COMMITMENT TO THEM.

THE OWL HAS TOO OFTEN CALLED THEIR NAMES BEFORE THEY COULD RECEIVE THEIR PROMISE, AND FOR OTHERS, WHEN FINALLY DHHL DID CALL THEIR NAMES, THEY WERE JUST TOO DARN OLD TO ASSUME A LONG TERM MORTGAGE.

THESE ARE THE PEOPLE WHO NEED A SCRUPULOUS VOICE. FEW WITH CLOUT HAVE EVER ACTED IN THEIR BEHALF TO DEMAND DELIVERY OF THE FINISHED PRODUCT OF THEIR INHERITANCE FROM THE HHCA OF 1920:

A HOME ON A LOT AND AN EQUITY INTEREST IN THE AWARD.

ADDENDA OF RECOMMENDATIONS

* CONGRESS SHOULD APPROPRIATE FUNDS TO CONDUCT A FINAL TITLE SEARCH TO DEFINE THE INVENTORY OF DHH LANDS

*SINCE THE FEDERAL GOVERNMENT APPROVED THE ACT WITHOUT MAPS, LEGAL DESCRIPTIONS, METES AND BOUNDS, IT SHOULD RECTIFY THE OMISSION.

* SHALL ASSIGN AN AGENCY TO CONDUCT THE VERIFICATION THE FINDINGS SHALL BE SUBMITTED TO CONGRESS FOR APPROVAL WITHIN A GIVEN TIME PERIOD AND WILL SELF DESTRUCT WHEN THE SEARCH IS COMPLETED, REVEIWED BY LAND EXPERTS, NOTARIZED, BOUND AND DELIVERED.

AN IMMEDIATE AUDIT OF THE APPLICATION LIST BE CONDUCTED

* NO LIST HAS EVER BEEN LOST, ITS USE HAS BEEN DISCONTINUED OR DISCARDED FOR A NEW METHOD INITIATED TO ALTER OR CIRCUMVENT RANK NUMBERS.

* THE AUDITED AND CORRECTED LIST SHOULD BE REINSTALLED IN A COMPUTER BANK IN WHICH THE APPLICANTS NAMES WERE INSTALLED IN 1977, THEN PROMPTLY ABANDONED BY DHHL IN 1980 TO ALLOW MANUAL MANIPULATION.

* EACH APPLICANT SHOULD RECEIVE IMMEDIATE NOTIFICATION OF A VERIFIED RANK NUMBER OF STANDING

* THE NUMBERS OF THOSE REMAINING ON THE APPLICANT LIST SHALL BE COMPARED WITH THOSE WHO HAVE RECEIVED AWARDS.

* WITH OUT EXCEPTION, ONLY THOSE WITH VERIFIED DOCUMENTS TO

* WITH OUT EXCEPTION, ONLY THOSE WITH VERIFIED DOCUMENTS TO PROVE THEIR HAWAIIAN QUALIFICATION SHOULD BE PLACED ON THE LIST, AS THE RULES AND REGS STIPULATE.

*NEITHER THE GOVERNOR NOR THE DIRECTOR SHALL HAVE THE AUTHORITY TO APPROVE APPLICANTS FOR AWARDS IF THE APPLICANT CANNOT PRODUCE VERIFICATION DOCUMENTS OF HIS BLOOD QUANTUM QUALIFICATION. VERIFICATION IS NOT A MATTER OF OPINION, BUT OF DOCUMENTATION WITH AFFIDAVITS. (DHHL PERSONNEL)

*ALL APPLICANT LISTS SHOULD BE AVAILABLE FOR PUBLIC REVIEW

* ALL AWARDEES OF UNIMPROVED RESIDENTIAL LOTS, WHO DO NOT HAVE BONA FIDE TITLE TO THEIR INDIVIDUAL LOTS TO DATE, SHOULD BE REINSTATED ON THE APPLICANT LIST ACCORDING TO THEIR ORIGINAL RANK.

* ONCE AWARDED THE RAW LAND, THE APPLICANT'S NAME WAS REMOVED FROM THE APPLICANT LIST DISQUALIFYING HIM FOR AWARDS FOR OTHER IMPROVED LOTS WHICH MAY SUBSEQUENTLY BECOME AVAILABLE IN OTHER AREAS.

* THE LOTS AWARDED THE APPLICANTS SHOULD BE HELD IN RESERVE FOR THEM, BUT IF OTHER LANDS ARE READIED BEFORE THEIR LOTS ARE PREPARED WITH THE IMPROVEMENTS, THEY SHOULD HAVE THE CHOICE OF SELECTING BETWEEN THE TWO, GIVEN THE PAPER AWARDS THEY RECEIVED WHICH CAUSED THE REMOVAL OF THEIR NAMES FROM THE APPLICANT LIST AND PRECLUDED ANY FUTURE OPTIONS.

* APPLICANTS COULD BE STUCK FOREVER WAITING IN THE WRONG LINE WHEN AWARDED UNIMPROVED LOTS

* THE NUMBER OR RANK OF THE APPLICANTS ON THE WAITING LIST, SHOULD ASSUAGE ANY ANXIOUSNESS PORTENDING THE PROBABILITY OF AN IMMINENT AWARD.

* THE LOWER THE NUMBER AND RANK THE MORE LIKELY AN EARLY AWARD

* IN THE EVENT OF DEATH WHILE WAITING, APPLICANTS HAVE A RIGHT TO HAVE HIS PLACE IN LINE SUCCEEDED TO BY A NAMED SUCCESSOR, SEE RULES AND REGS, 10-3-8, EFFECTIVE JULY 30, 1981

* FAMILIES SHOULD ALSO BE ASSURED THAT THEY WILL QUALIFY ACCORDING TO THE RULES AND REGS.

I RECOMMEND THE REINSTATEMENT OF THE STATEWIDE WAITING LIST WHICH WAS JUNKED FOR ISLANDWIDE LISTS. ISLAND RESIDENTS DO NOT OWN THE LAND ON THEIR ISLAND. THESE ARE NOT TRIBAL LANDS, THERE ARE NO TERRITORIAL IMPERATIVES FOR ISLAND RESIDENTS, THE LANDS BELONG TO ALL HAWAIIANS.

* THERE ARE MANY REASONS FOR THE REINSTATEMENT OF THE STATEWIDE LIST, IT WOULD PROTECT THOSE WHO ARE OBLIGED TO MOVE TO ANOTHER ISLAND, FOR WORK, RETIREMENT, ETC...THESE PEOPLE SHOULD NOT BE FORCED TO START ALL OVER AGAIN.

THE 99 YEAR LESSEE ON RESIDENTIAL LOTS SHOULD BE GIVEN A LEGAL COMMITMENT THAT HIS LEASE WILL BE RENEWED. THE FIRST LESSEES HAVE 36 YEARS REMAINING, TOO SHORT A TERM FOR MORTGAGES TO FINANCE IMPROVEMENTS

* RECOMMEND THAT AWARDS OF FARM AND RANCH LOTS BE RENEWED FOR SHORTER TERMS, AND NEW AWARDS BE GIVEN FOR LESS THAN 99 YEAR LEASES.

* A 99 YEAR LEASE FOR A RESIDENTIAL LOT WITH ONLY LEGAL SQUATTER'S RIGHTS ON A LOT OF 10,000 S.F. TO ONE ACRE, DOES NOT EQUATE TO A LARGE ESTATE WITH FARM LOTS OF 40 ACRES OR RANCH LOTS FOR 500 ACRES, PARTICULARLY WHEN THE ACT ALLOWS LESSEES OF THESE LARGE PARCELS TO BE SUB-LET THEIR PARCELS FOR INCOME PURPOSES, AND THE RESIDENTIAL AWARDEE HAS NO SUCH SURPLUS LAND FROM WHICH TO GENERATE RENTALS OR ADDITIONAL INCOME.

. THE GREAT LAND GIVEAWAY OF '84, '85, '86, SHOULD BE STOPPED IMMEDIATELY.

* FARM LOT LESSEES INCREASED BY 154% FROM 402 TO 1099, BUT THE NEW LOTS HAD NO WATER OR ACCESS, YET MORE THAN 80% OF THE OLD LOTS WITH WATER AND ACCESS WERE NOT BEING CULTIVATED.

* RANCH LOTS INCREASED BY 18.8% FROM 69 TO 96 AND MORE ARE CONTEMPLATED IN PUUKAPU

* RESIDENTIAL LOTS INCREASED BY ONLY 9% FROM 2966 TO 3126 OF IMPROVED LOTS

* THE WORD ABOUT THE GIVEAWAY IS CIRCULATING, APPLICANTS FOR FARM LOTS INCREASED BY 765% AND RANCH LOTS BY 108%(DHHL ANNUAL REPORTS)

* DHHL SHOULD WITHDRAW THE UNUSED LOTS, THE ESTATES IN FALLOW, BEFORE DEVELOPING NEW LANDS. ONE NEED ONLY DRIVE BY THE LOTS IN HOOLEHUA, PANAEWA, AND PUUKAPU TO SEE THAT LESS THAN 20% OF THE LOTS ARE UNDER CULTIVATION AND THIS INCLUDES AWARDS TO THE YOUNG WHO PROFESSED THAT THEY WANTED TO FARM.

* AWARDS OF FARM AND RANCH LOTS SHOULD BE MADE TO APPLICANTS WHO WILL RESIDE ON THE ISLAND, WHO WILL SHOW PROOF OF RESIDENCY. IN THE AWARD PACKAGES LANDS WERE AWARDED TO NON RESIDENTS OF THE ISLAND, SOME EVEN RESIDE ON THE MAINLAND.

RE-ESTABLISH IN THE RULES AND REGULATIONS THE PRIORITY TO PLACE NON-REAL PROPERTY OWNERS ON THE LAND FIRST.

5.1 REAL PROPERTY OWNERS SHALL REMAIN ON THE LIST AND MAY RECEIVE AWARDS AFTER THE NON-OWNERS HAVE BEEN ACCOMMODATED OR SERVED

* WHO CAN JUSTIFY THE EXPENDITURE OF GOVERNMENTAL FUNDS FOR THOSE WHO ALREADY ARE PROPERTIED, WHO CANNOT BE CONSIDERED DENIED OR WAITING

* THE RATE OF DELIVERY IS TOO SLOW TO JUSTIFY AWARDING AN APPLICANT A SECOND OR THIRD HOME, SINCE 1983 AND AVERAGE OF 20 HOMES PER YEAR HAVE BEEN ERECTED. (DHHL STAFF)

THERE SHOULD BE IMMEDIATE REINSTATEMENT OF THE POLICY IN THE RULES AND REGS. THAT NO AWARDS OF RESIDENTIAL LOTS SHALL BE MADE UNTIL THE LOTS ARE FILED WITH THE COUNTY AND THE TAX RECORDATION DIVISIONS.

*CAN NOT ACCEPT ANY REASONING FOR RAW LAND AWARDS UNLESS THEY ARE OFFERED TO ACCOMMODATE THE WEALTHY OR PROPERTIED WITH MORE PROPERTY.

* THE NEEDY ARE AT A DISTINCT DISADVANTAGE

* THOSE IN LINE MUST BE OFFERED THE BENEFIT OF MOVING ON IMPROVED LANDS, THEN IF HE OR SHE STILL WANTS TO LIVE THE OLD WAY, FINE. BUT OUT-HOUSES AND KEROSENE LAMPS ARE NO LONGER IN VOGUE

* EVEN THE PRACTICE OF EXERCISING THE OPTION OF EXEMPTION FROM COUNTY BUILDING CODES IS AN ULTIMATELY DETRIMENTAL DECISION. WE NEED TO ALWAYS TAP INTO COUNTY OFFSITE SYSTEMS TO MAKE OUR LANDS USABLE.

* FEDERAL PROGRAMS WILL NOT OFFER FINANCING UNLESS THERE IS COMPLIANCE WITH THE PREVAILING COUNTY AND STATE CODES.

* MINIMUM LOT STANDARDS AND BLDG. CODES ARE ESTABLISHED FOR THE PROTECTION OF THE HABITANT FROM HAZARDOUS AND UNSANITARY LIVING ENVIRONMENTS

* AFTER 1990 THE DEPT OF HEALTH WILL NOT ALLOW CESSPOOLS IN SMALL LOT SUBDIVISIONS

* FEDERAL PROGRAMS WILL NOT FUND OR ACCEPT INDIVIDUAL LOT WATER CATCHMENT SYSTEMS

* I DON'T KNOW WHAT HAS BEEN ACCOMPLISHED BY THE AWARDING OF THESE RAW LANDS. IT HAS BEEN FIVE YEARS AND THE AWARDEES STILL CANNOT OCCUPY THE LAND. THEY HAVE NO HOMES, NO LEGAL RIGHT TO MOVE ON THE LAND. THERE IS NO WATER TO FARM.

* THE AWARDEE IS TANGLED IN THE WEBB OF A DECEPTIVE PLOY.

HOUSING MUST BE DEVELOPED ON A SUBDIVISION PLAN. THE ECONOMIC BENEFITS DERIVED FROM LARGE SCALE DEVELOPMENT PACKAGES ARE SUBSTANTIAL. THESE BENEFITS ARE NOT AVAILABLE ON A ONE TO ONE, OWNER BUILDER ARRANGEMENT

* EVEN IN SUBDIVISION DEVELOPMENT THERE SHOULD ALWAYS BE PROVISIONS FOR THOSE WHO WISH TO BE THEIR OWN BUILDER THE NUMBER RANGES FROM 5-10%

FINALLY, WE MUST EMANCIPATE THE LESSEE, EITHER ENFRANCHISE HIM WITH A SECURITY INTEREST, OR KEEP HIM A WARD OF GOVERNMENT'S CARE.

* THE LESSEE HAS ALWAYS BEEN SUBJECT TO ANOTHER'S CARE, LITERALLY, HE WAS PLACED UNDER " ANOTHER'S LAW", USUALLY IMPOSED WHEN AN INFANT OR MENTALLY INCOMPETENT PERSON IS PLACED UNDER THE CONTROL OF THE GUARD. IT IS DETERMINED THAT THOSE WHO CANNOT CONTROL THEIR ORDINARY LEGAL RIGHTS MUST SUBMIT TO THE AUTHORITY OF APPOINTED GUARDIANS, IN THIS CASE THE FEDERAL GOVERNMENT AND THE STATE.

THE HAWAIIAN IS NEITHER AN INFANT NOR MENTALLY INCOMPETENT

GIVE HIM BACK THE AUTHORITY FOR HIMSELF, LET HIM WRITE HIS OWN STORY.

* ARE WE SO ASSURED OF THE LESSEES FAILURE, THAT WE HAVE DENIED HIM THE RIGHT TO SUCCEED WITH A SHARE OF THE EQUITY?

THE PROVISIONS IN SECTION 227 OF THE HHCA, REGARDING THE

ENTERPRISE ZONE ON DHHLS, PASSED INTO LAW 1986 BUT REQUIRES THE CONSENT OF CONGRESS, PROVIDES A START FOR THE LEGALESE TO DESIGN AN EMNACIPATION PROCLAMATION FOR THE HOMESTEADERS, AN OPEN HEARING IS NEEDED.

* EVERY ONE IS BENEFITTING FROM THE LAND ESCALATION IN HAWAII EXCEPT THE LESSEE. ONE DOES NOT HAVE TO SELL OR ALIENATE THE LANDS TO BENEFIT FROM THE APPRECIATION OF OUR LANDS

* THE HOMESEADER MUST BE GIVEN THE OPTION TO USE THE EQUITY NOW FROZEN AND WASTED, TO FINANCE PROJECTS ON OR OFF THE LAND. THE USE OF HIS ESCALATING EQUITY WILL ENABLE HIM TO EXPAND HIS OWN ECONOMIC OPPORTUNITIES AND FINANCIAL PORTFOLIO

* GIVE HIM THE LEASEHOLD TITLE AND INTEREST. ENFRANCHISE HIM TO USE THE EQUITY OF THE LAND. AND IF HE ALLOWS IT TO BE ALIENATED FROM HIM, IT CAN NEVER BE ALIENATED FROM THE OWNER-LESSOR DHHL.

*. WE CAN HAVE THE LAST LAUGH ON THE DESIGNERS OF THE HHCA BY TAKING THESE ONCE JUNK LANDS, DEVELOPING THEM AND AWARDING THEM. FOR NOW, THESE LANDS ARE OF VALUE, A VALUE WHICH WILL CONTINUE TO APPRECIATE AD INFINITUM. THE HOMESTEADER MUST BE ENFRANCHISED TO RECEIVE PART OF THE LAND ACTION THAT ALL OF THE NEWCOMERS TO HAWAII ARE ENJOYING.

Inouye proposes 'entity' for native lands

By David Stroup
Advertiser Staff Writer

Sen. Daniel Inouye last night called for establishing a "sovereign entity" to hold title to native Hawaiian lands, similar to the bodies that administer native American Indian lands on the Mainland.

Inouye's comments came at a dinner at the Honolulu International Country Club where the Association of Hawaiian Civic Clubs honored him for his contributions to the well-being of native Hawaiians. The group named him the outstanding non-Hawaiian for 1988.

Inouye said he first proposed in the early 1970s the idea of a "corporation" to hold title to Hawaiian homelands, ceded lands no longer needed by the United States and lands held by the state but unused.

"Today," he said, "I believe that instead of a corporation the group that should hold title should be a sovereign entity."

Inouye said he timed his proposal for the public hearings on Hawaiian homelands next month. Starting Aug. 7, Inouye said, federal officials, including representatives of the departments of Justice and Interior, will hear public testimony on Oahu, Kauai, Molokai, Maui and the Big Island.

He said the hearings are part of the first review of the federal Hawaiian Homes Act since it was created 69 years ago.

"From this history," he said, "I want to come up with legislation to once again establish a sovereign entity in the state of Hawaii" to administer Hawaiian lands.

"This is an opportunity for Hawaiians to show their stuff," he said. "I have seen it operate with the Indians. It is possible. But it is going to take the work of all of us."

"Someday you will have a sovereign entity," Inouye said, "where the Hawaiians can once again say, 'That land is mine.'

"This is an opportunity to set the record straight," he said. "To show that the lands have been taken away from the Hawaiians without due process of law."

Several speakers paid tribute to Inouye's contributions to native Hawaiians.

Among them was Bishop Estate Trustee Myron "Pinky" Thompson, who said, "Because of this man's work, Hawaii has received more than $83 million in federal aid for Hawaiian programs. Over the next three fiscal years Congress has authorized nearly $90 million more."

Sen. Daniel Inouye
Honored by Hawaiian groups

Hawaiian clubs honor Inouye as 'true friend'

By Murry Engle
Star-Bulletin

> "(Sen. Daniel Inouye is) a man who has dedicated himself to improving nearly every facet of the native Hawaiian's life."
>
> **Myron Thompson**
> Bishop Estate trustee

More than 20 years ago, Myron Thompson, then a state official, was talking to U.S. Sen. Daniel Inouye in a Senate hallway in Washington, D.C.

What could be done to help Hawaiians? Inouye asked.

After that, Hawaii's senior senator turned questions into answers by obtaining tens of millions of dollars in aid for native Hawaiians, Thompson said.

Thompson, lauding Inouye at a testimonial dinner given by the Association of Hawaiian Civic Clubs at Honolulu Country Club last night, said they would be there all night if he listed everything Inouye has done for Hawaiians.

But Thompson, a Bishop Estate trustee, mentioned a few of Inouye's accomplishments.

Inouye helped get the federal government to recognize Hawaiians as native Americans so they could get affirmative-action funding, Thompson said.

Alu Like grew out of that. To date, that group has received nearly $60 million in federal funding and placed more than 24,000 people in jobs.

"We are here to honor a true friend of the Hawaiian people, a man who has dedicated himself to improving nearly every facet of the native Hawaiian's life," Thompson said in prepared remarks.

In 1981, Inouye ushered a measure through Congress directing the U.S. Department of Education to begin an educational profile of native Hawaiians. The funds were withdrawn when the administration changed, Thompson said. Knowing such a study was important, the trustees of Kamehameha Schools/Bishop Estate took over the responsibility.

A compelling finding was that Hawaiians were "well behind the national norm," and "major reforms were recommended," Thompson said.

Federally funded education programs in Hawaii have received more than $21.7 million, but the "most significant findings of that educational study were that no program could succeed if we did not first address the overwhelming health needs of our people," Thompson said.

With help from state and federal funding, a major health program for Hawaiians is under way

Daniel Inouye: Hawaiian groups say

DHHL CAPITAL IMPROVEMENT PROGRAM (CIP)
(FINANCED BY GENERAL OBLIGATION BOND)

YEAR	BUDGET REQUEST (MILLIONS)	APPROPRIATIONS (MILLIONS)		EXPENDITURES (MILLIONS)	EXPENDITURE LIMIT (MILLIONS)	HOMES BUILT
1973-74		$10.6				74
1974-75		22.1				
1975-76		0.05		10.2		
1976-77		4.04		9.5		473
1977-78		1.60		10.4		1001
1978-79		5.86		2.1	con-con amend. $6.0	158
1979-80	9.2	6.53		11.3		35
1980-81	11.1	6.22		6.1	6.0	43
1981-82	18.0	4.22 1.8	(FED)	5.8	5.93	15
1982-83	22.0	6.0		7.8	6.42	205
1983-84	18.3	0.84		4.4	4.3	39
1984-85	18.3	1.62		1.4	3.1	75
1985-86	6.3	0.21		0.9	2.2	28
1986-87	6.9	9.49		2.1	6.6	14
1987-88	17.2	9.88	1.70A 1.23D			
1988-89	19.1	7.07	0.85A 2.00D			

Rec'd [illegible]
July 20, 1987

③

JOHN WAIHEE
GOVERNOR OF HAWAII

DISTRICT OFFICES

WEST HAWAII OFFICE
P. O. BOX 125
KAMUELA, HAWAII 96743

EAST HAWAII OFFICE
160 BAKER STREET
HILO, HAWAII 96720

STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS
P. O. BOX 1879
HONOLULU, HAWAII 96805

DISTRICT OFFICES

MAUI OFFICE
P. O. BOX 22
KAHULUI, MAUI 96732

MOLOKAI OFFICE
P. O. BOX 198
HOOLEHUA, MOLOKAI 96729

KAUAI OFFICE
P. O. BOX 332
LIHUE, KAUAI 96766

Dear Homestead Lessee:

SUBJECT: Accelerated Awards Fiscal Year 1985-1986

① Congratulations on your new award and thank you for participating in the Department of Hawaiian Home Lands' accelerated awards program. Your willingness to accept awards without infrastructure improvements, such as roads and water, and without available financing is a contributing factor in the department exceeding its goal to have 1,500 lots selected by June 30, 1986.

We have enclosed your copies of the Hawaiian Home Lands Lease and your Designation of Successor to the lease. These documents should be kept in a secured file for your future reference.

② Being a lessee on Hawaiian Home Lands, you may find it difficult to obtain financing to improve your lot until additional sources of financing are developed. Please rest assured that the department is continuing to seek such funding possibilities. Also, be aware that although you are exempt from county real property taxes for the first seven years of your lease, you are responsible for paying real property taxes on the assessed value of your lot and any improvements thereon from the eighth year.

Any fixed improvements on the land must be registered with the department as a check on quality and compliance with county ordinances. Otherwise, you are on your own. However, if you have any questions, please feel free to contact our Land Development Division in Honolulu or the District Office on the island where you live.

LETTER OF UNDERSTANDING AND ACKNOWLEDGMENT

In addition to the conditions stipulated in my Department of Hawaiian Home Lands Lease, I also accept my lease with knowledge of the following:

1. Roadways provided by the Department may be in a variety of finishes from substandard survey access roads to paved two-lane roads. Due to the lack of adequate capital improvement funding for road improvement and construction, the Department does not assure any time schedule for improving its roads except for necessary periodic maintenance. Due to the substandard condition of some of the access roads, County fire and police protection may not be available where roads are not passable.

2. In certain areas utility lines, extensions, and/or hook-up may not be available. Due to lack of adequate capital improvement funding for the construction of such infrastructures, as well as respective County budgetary constraints, the Department can make no assurance regarding time schedule for delivery of these services and improvements. The Department, however, does not object to the lessee or group of neighboring lessees arranging for and paying for the cost of delivery of these services, improvements, and maintenance on their own.

3. Improvements to be erected or constructed on the homestead lot must meet the respective County building codes. Construction plans and specifications must receive the written approval of the Department and County prior to actual construction. The Lessee, however, is not restricted to any particular type or style of dwelling, except that the needs of the occupants must be considered.

4. Loan financing for the purpose of improving the homestead lot is not presently available from the Department. Although the Department is researching sources of possible loan financing through government and private agencies, the Department does not assure the availability of loan funding.

The foregoing has been explained to me, and I acknowledge this understanding this [redacted] day of [redacted], 19[redacted].

x [redacted]
Homestead Lessee

5

3. Location of a residence on an agricultural lot.

(a) The lessee may construct a residence on the lessee's agricultural lot provided that the lessee complies with the conditions imposed by Administrative Rules Section 10-3-26, 10-3-34 and 10-3-39(b). Construction of a residence on the agricultural lot will be permitted only after the lessee has satisfied the active cultivation requirement.

(b) The lessee may construct a residence anywhere on the agricultural lot. However, where water/utility connection is provided, the lessee must assume the cost of extending water and utility lines from the point of connection to the residence.

4. Agricultural lots with unimproved infrastructure.

(2)

Where, according to planned development, improvements/amenities for certain agricultural lots have not been provided and are not expected to be provided, a lessee desiring such improvements/amenities prior to their provision and completion, shall incur the cost of providing these improvements/amenities for the agricultural lot.

ACKNOWLEDGED:

[redacted]

Signature of Lessee Date

LOT SELECTION/ACCEPTANCE EEMENT ___14___

I, ____________________ ______, hereby select Lot No.______, of the Maku'u Agricultural Lots, Unit I TMK: 3-1-5-08:03 (por.), consistin of [redacted] acres situate at Keaau, Puna, Hawaii. I make this selection i rank order, without any reservations, and voluntarily of my own free wi and choice on June 29, 1986, at Waiakea, Hawaii.

I understand that the award of the lot I have selected this date is contingent upon the following:

1. [redacted] selection will be deferred, and this lot will be offered to the next eligible interested applicant. I understand that, if so deferred, my application will remain on the interested waiting list and upon verification of my native Hawaiian ancestry, as lots become available for award, I will be contacted in rank order. However, if it is conclusively determined that I am not native Hawaiian, my application will be cancelled.

2. I accept the lot in "AS IS" condition. I understand that my responsibilities include, but are not limited to, the following: clearing and grading of the lot, including all driveways; removal of unwanted debris (uninhabitable dwellings, abandoned cars, trash, etc.); all utility (including water), charges and fees necessary to obtain a building permit.

3. If applicable, surrender or transfer of an existing lease held myself or my spouse; a copy of Lease Transfer/Surrender Agreeme attached hereto and made a part hereof.

4. Submittal of farm plans by September 28, 1986, acceptance and approval of the farm plan by the Department.

5. Approval of the Hawaiian Homes Commission.

I also understand that final square footage and description of metes and bounds of these lots are subject to final subdivision approval by the County of Hawaii and acceptance and certification by State Land Surveyor and Bureau of Conveyances. Road widening setbacks and utility easements necessary to obtain County approval will be shown on approved subdivisio maps. Designation of lot numbers may be amended to reflect final property description. Tax map key numbers for individual lots to be assigned upon final subdivision approval.

No structures are to be built or placed on the lot without prior consent and approval of the Department of Hawaiian Home Lands and the County of Hawaii. Occupancy of the lot is prohibited until such approvals are received and structures are completed.

I understand that upon execution of the lease document for the lot selected, my application for an AGRICULTURAL homestead lease will be cancelled.

Other factors relating to Lot No. ______-______:

Access:	DIRT ROAD	x	On Waterline:	YES	
	PAVED ROAD			NO	x
On Electrical Lines:	YES		Easements:	WATER	
	NO	x		ELECTRIC	
				ROADWAY	

6

LEASE ADDENDUM

This lease is subject to the following conditions:

1. Time Frame for Occupancy or Use. Notwithstanding Paragraphs number 12, 18, 19 and 20 in the lease, the Lessee will be permitted up to 3 years from lease commencement to construct, complete and occupy a dwelling on a residence lot or commence to use an agricultural or pastoral lot. A two year extension, per written request, may be granted for good cause.

2. Mortgage. Notwithstanding Paragraph number 14 in the lease, the Lessee may, if authorized by the Hawaiian Homes Commission Act, 1920, as amended, with the written consent of the Lessor, mortgage the Lessee's interest in the leasehold for such uses and purposes, subject to such terms, conditions and restrictions as the HHCA may provide. Unless otherwise provided in the Hawaiian Homes Commission Act, loans secured by a mortgage on a homestead leasehold must be insured or guaranteed by, and in accordance with established regulations of, the Federal Housing Administration or other federal, State or other agencies authorized to insure or guarantee loans to homestead Lessees.

3. Construction of Improvements. With reference to paragraphs 10 and 12 in the lease, a Lessee may construct a residence on the homestead lot only after the necessary County approvals have been received regarding subdivision, provision of water, utilities and sewage disposal, and only after the County and Lessor have approved the Lessee's home construction plans and specifications. No Lessee shall be permitted to erect any tents or temporary structure on the lot. If Lessor loan funds are used for home construction, the Lessee shall occupy the home only after final inspection and acceptance of the home by the Lessee.

ACKNOWLEDGED:

Signature of Lessee

Date

CIP EXPENDITURES

	LAND DEVELOPMENT	LOAN FUNDINGS	TOTAL
1982	3,441,498	4,380,000	7,821,498
1983	2,446,721	2,000,000	4,446,721
1984	2,235,673	-0-	2,235,673
1985	857,412	-0-	857,412
1986	2,119,113	-0-	2,119,113
1987	3,505,143	-0-	3,505,143
1988	3,805,169	-0-	3,805,169

From
John Rowe _ 548 _3224

THE SENATE
FIFTEENTH LEGISLATURE, 1989
STATE OF HAWAII

H.C.R. NO. 364
H.D. 1
S.D. 1

HOUSE CONCURRENT RESOLUTION

DEPT OF HAWAIIAN HOME LANDS
JUN 7 9 27 AM '89

REQUESTING THE GOVERNOR TO APPOINT A TASK FORCE FOR HAWAIIAN SERVICES.

WHEREAS, before the arrival of western civilization, Hawaiians, the indigenous people of Hawaii:

(1) Maintained and lived within a well-balanced social order;

(2) Employed excellent mental and physical health practices;

(3) Employed advanced techniques of aquaculture and agriculture which provided food in abundance;

(4) Employed unique educational techniques only now being discovered by modern society; and

(5) Practiced a rich and sophisticated religion;

and

WHEREAS, in the eighteenth and nineteenth centuries, the introduction of western cultural, economic, and social values, along with unchecked diseases foreign to the islands, resulted in the dissolution of a balanced, homogeneous, Hawaiian society from which Hawaiians are still in the process of recovering; and

WHEREAS, the Hawaiian Alii attempted to allay and alleviate negative effects resulting from conflict with, and dominance by, the arrival of western culture, such as poor mental and physical health, social disorientation, and economic disadvantage through the establishment of several trusts, estates, and institutions which incorporated special provisions for Hawaiians; and

WHEREAS, state and federal programs and some of the trusts, estates, and institutions continue to attempt to assist Hawaiians; and

WHEREAS, there is an urgent need to bring cohesion and coordination to the provision of services available to Hawaiians through both public and private programs; and

WHEREAS, the U.S. Select Committee on Indian Affairs, the Association of Hawaiian Civic Clubs, and the Bernice Pauahi Bishop Museum continue to assist Hawaiians; now, therefore,

BE IT RESOLVED by the House of Representatives of the Fifteenth Legislature of the State of Hawaii, Regular Session of 1989, the Senate concurring, that the Governor is requested to appoint a Task Force for Hawaiian Services to make findings and recommendations concerning the coordination of all public and private services available to Hawaiians; and

BE IT FURTHER RESOLVED that the Governor is requested to appoint at least fifteen members to the Task Force including the chairperson of the Board of Trustees of the Office of Hawaiian Affairs as chairperson of the Task Force, the chairperson of the Hawaiian Homes Commission, and representatives of private Hawaiian agencies, institutions, or organizations, as well as members of the general community; and

BE IT FURTHER RESOLVED that the Governor give special consideration for membership on the Task Force to representatives of Alu Like, Inc., King William C. Lunalilo Trust, Queen Liliuokalani Trust, Kamehameha Schools/Bishop Estate, E Olá Mau, other established private Hawaiian organizations, the Office of Hawaiian Health of the Department of Health, the U.S. Select Committee on Indian Affairs, both Houses of the Legislature, and the Office of State Planning; and

BE IT FURTHER RESOLVED that the Task Force specifically examine the following kinds of services as they relate to Hawaiians and native Hawaiians:

(1) Social services for the elderly;

(2) Educational services for Hawaiian and native Hawaiian youth, age three to nineteen years;

(3) Special needs of the "at risk" categories such as school dropouts, juvenile offenders, and pregnant teenagers;

(4) Medical needs of Hawaiians and native Hawaiians;

(5) Legal assistance and dissemination of legal services available to Hawaiians and native Hawaiians, including land title assistance, and genealogical research services;

(6) Special needs of Hawaiians and native Hawaiians who live in rural or outlying areas of the State with particular attention to accessibility to governmental services and transportation needs;

(7) Employment problems and requirements of Hawaiians and native Hawaiians; and

(8) Services for the continuity of cultural heritage and traditional customs, language, and religion;

and submit its findings and recommendations relating to these eight issues in a phase one report to the Legislature twenty days prior to the convening of the Regular Session of 1990; and

BE IT FURTHER RESOLVED that the task force's work shall also include the following:

(1) An inventory of current services and programs being provided, including, if applicable, the authorization establishing them, e.g., federal or state law or private charter;

(2) An assessment of the use and accessibility of current services and programs to native Hawaiians and Hawaiians;

(3) An analysis of the quality of coordination of existing services and programs;

(4) An identification of critical needs and ~~requirements~~ that need to be addressed through future services and programs; and

(5) Recommendations on improving accessibility, the quality of coordination, and the provision of future services and programs for currently unmet needs;

with findings and recommendations to be submitted relating to these five items in a phase two, and final, report to the Legislature twenty days prior to the convening of the Regular Session of 1991; and

BE IT FURTHER RESOLVED that certified copies of this Concurrent Resolution be transmitted to the Governor, the chairperson of the board of trustees of the Office of Hawaiian Affairs, the chairperson of the Hawaiian Homes Commission, the Director of Health, Alu Like, Inc., King William C. Lunalilo Trust, Queen Liliuokalani Trust, Kamehameha Schools/Bishop Estate, E Ola Mau, the U.S. Select Committee on Indian Affairs, the Association of Hawaiian Civic Clubs, the Bernice Pauahi Bishop Museum, and the Office of State Planning.

STANDING COMMITTEE REPORT NO. 1774

Honolulu, Hawaii
APR 21, 1989

Honorable Richard S. H. Wong
President of the Senate
Fifteenth State Legislature
Regular Session of 1989
State of Hawaii

Sir:

RE: H.C.R. No. 364, H.D. 1

Your Committee on Housing and Hawaiian Programs, to which was referred H.C.R. No. 364, H.D. 1 entitled:

"HOUSE CONCURRENT RESOLUTION REQUESTING THE GOVERNOR TO APPOINT A TASK FORCE FOR HAWAIIAN SERVICES,"

begs leave to report as follows:

The purpose of this concurrent resolution is to request the Governor to appoint a task force to investigate the present variety of programs delivering services to the Native Hawaiian and Hawaiian community.

The task force would be commissioned to: 1) take inventory of current services and programs being provided, 2) assess their use and accessibility, 3) analyze the level of coordination between services and programs, 4) identify critical needs and requirements that need to be addressed in the future, and 5) make recommendations for improving accessibility, coordination, and provision of services and programs for currently unmet needs.

Your Committee amended this concurrent resolution by inserting the substance of S.C.R. No. 106, S.D. 1, which is similar to this measure but expands the responsibility of the task force to include the examination of: social services for the elderly, educational services, special needs for "at risk" categories such as school dropouts, juvenile offenders, and pregnant teenagers, medical needs, legal assistance including land titles and genealogical research, special needs of rural Hawaiians, employment problems, and cultural heritage.

STANDING COMMITTEE REPORT NO. 1774
Page 2

Your Committee on Housing and Hawaiian Affairs concurs with the intent and purpose of H.C.R. No. 364, H.D. 1, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 364, H.D. 1, S.D. 1.

Respectfully submitted,

MIKE CROZIER, Chairman

STEVE COBB, Vice Chairman

Russell Blair
RUSSELL BLAIR, Member

LEHUA FERNANDES SALLING, Member

Milt Holt
MILTON HOLT, Member

Malama Solomon
MALAMA SOLOMON, Member

Rick Reed
RICK REED, Member

K

79-91- Total Appropriation Req. c Budget Appr

88- 88,827,860
18,365,000 Transferred Loan Cap
70,462,860 ESD site dev
51,591,570 Expended
18,871,290 Lapsed. 27% of Site [illegible]

Until 90 Available to Lapse
22,690,000 Avail. as of May 31, 1989
10,890,000 ~~Bond~~ Gen. Fund 634,875 Ex, line.
~~7,990,000~~

Until 91- Available-
50,630,000 Avail - Expire-

73,320,000 - Expended next 2 yrs

Last two years-
Appropr. 19,900,000 16,450,974 , 3,449,026

445 [illegible] =
to move.

88,827.860 87-88 (lapse dates)
73,320.000 89-91 (lapse dates)
162,147,860 Million Bond & Cash App.
Very Generous 1,621.47-M Improved lots-Homes.

TESTIMONY OF VIOLET POHAKUKU'I'AI LUI
Before U.S. Senate Select Committee on Indian Affairs
August 7, 1989
Honolulu, Hawaii

My name is Violet Pohakuku'i'ai Lui. I am Hawaiian; born in Palolo and raised in Kailua, O'ahu. I am a graduate of Kamehameha, class of 1961, and a 1965 graduate of the University of Hawaii, Manoa campus. I am a lawyer; I graduated from Boalt Hall School of Law in the University of California, Berkeley in 1978. My path to the practice of law began from my work with Hawaiian groups, primarily Homerule and A.L.O.H.A., Inc. Those were the days of community action and model cities. I first met a lawyer in an A.L.O.H.A. meeting.

I went to law school to learn the legal principles which enable Native Americans to continue to exist in the United States as a separate people on lands that are their own. I have specialized in Indian law, working for DNA - People's Legal Services and then for the Navajo Nation. I am very proud to be Hawaiian and a lawyer for Indian people. I have learned much that I want to share on behalf of my people, especially at this time, when so many Hawaiian people are talking about establishing a sovereign Hawaiian entity. I am thrilled that we are embarking upon this course.

These hearings are important for my people. Here, we can let you, our Senators and Representatives, know what we want as a people. While the focus of the hearings is on the Hawaiian Home lands, the issues are much broader. These issues are the establishment of the land base for the Hawaiian government, recognition of the Hawaiian people as Native Americans with whom the federal government has a special relationship akin to that with the American Indian tribes, and the formal setting up of the Hawaiian government.

The Hawaiian Home Lands

The Department of Hawaiian Home Lands is the focus of a lot of criticism from Hawaiians. Much of that criticism is well-deserved. However, it is important that we express to the Chair of the Hawaiian Homes Commission, the Commissioners themselves and the Department employees, who are Hawaiian, that we criticize so harshly that which we also love very much. Hawaiian Home Lands represent for many of us the kernel of the land base for the sovereign Hawaiian government. The Homesteaders Associations represent real communities where Hawaiian people have been able to live together as Hawaiians. Expanding on those communities it is not difficult to arrive at the development of the Hawaiian sovereign government.

The Hawaiian homestead program is an inspiration for what can be. However, the Department of Hawaiian Home Lands within the government structure of the State of Hawaii represents why the Hawaiian sovereign government should not be created as a part of the state government.

The issue is the conflict of priorities of the state government and the Hawaiian people. Hawaiians are only one of many groups to which the state responds. On basic equal protection grounds the state is unable to legislate specially for Hawaiians. Granted, Congress has delegated specific responsibilities for Hawaiians under the Hawaiian Home Lands programs to the former Territory now State of Hawaii. However, the history of the administration of the Hawaiian Home Lands shows that stewardship over the program assets has been guided more often by non-Hawaiian priorities. That history is the factual perspective with which we must view the Office of Hawaiian Affairs ["OHA"], no matter how well-intentioned the staff, OHA directors, indeed, even the governor, may be. It is also fact that such well meaning and supportive state officials will not always be around.

Federal recognition of Hawaiian people as a sovereign people within the United States of America, similar to the status of tribes such as the Navajo, Hopi, and Yakima, requires congressional action. Congress can simply recognize Hawaiians as a domestic sovereign people, like a tribe. Alternatively, the Department of the Interior could be made to change 25 C.F.R. §83.4 to allow Hawaiians to apply for recognition as a tribe.

While I am aware that there is a great degree of sensitivity among my people about use of the term "tribe" in connection with Hawaiians, its use is really a matter of familiarity within the field of Indian Law. "Tribe" is a term of art, used to refer to the identifiable and distinct groups of indigenous people in lands that became the United States of America. Certainly, we can denominate ourselves as we choose. Within the federal government, however, the context within which Congress deals with Hawaiians is Indian law, and so, terms such as "tribe" may be used. This will not detract from our uniqueness as a people, nor would it prevent us from suggesting alternatives.

This is not a criticism of the people who serve in the Department, nor of the many Hawaiians and others in the state government who have worked hard for Hawaiian people; rather this statement refers to the basic and formidable conflict of interest inherent in entrusting states to enforce and uphold the sovereignty of Indians and other Native Americans.

In conclusion, I congratulate the Committee and especially Senator Inouye, on your commitment to work with the Hawaiian people to create a better Hawaiian Home Lands program and to strengthen the efforts to establish a Hawaiian sovereign entity. I support the Committee's intent to hold hearings in the near future on establishment of that entity. This is the time for such action. There is a consensus among my people toward that end. I look forward to participating personally and professionally in this effort.

PREPARED STATEMENT OF HAROLD LEVY, JR.

Good Afternoon. My name is Harold Stanley Levy, Jr. My family has lived in Hawaii for at least thirteen generations prior to the birth of Kamehameha Paiea I, the first ruler of the Hawaiian Kingdom.(This information taken from our family name chant registered in proceedings of the Hawaiian Historical Society in 1921). My parents are homesteaders in Nanakuli. My father's parents were homesteaders living on fourth road in Nanakuli while my mother's grandparents were one of the original homestead families when the Nanakuli Homestead first opened. Zablan Beach is named after my great grandmother's family and our family home is still there.

I have been on the Hawaiian Homestead Agricultural waiting list for Oahu for over fourteen years. I have been activley engaged in farming for ten years and am an active member of the Hawaii Farm Bureau Federation. I am here today to speak about agriculture and the Hawaiian Homes program.

Originally designed to be an agricultural homesteading program, the state Department of Hawaiian Homelands continues to expend most of its energies to urban homesteading through its housing programs. Not enough attention is given to encourage the development of a viable agricultural program. As one of the applicants genuinely interested in farming, I have witnessed several shortcomings with the agricultural program as it currently is being administered.

Years ago, when I had first applied, the agricultural program was much more rigid and existed solely to develop commercial farms. Subsistence agriculture was not given serious consideration. When a native Hawaiian applied for a farm lot, he or she had to demontrate interest in farming by filling in a detailed questionnaire indicating educational and employment in agriculture background, financing for the farm operation, crops intended to be grown, or livestock intended to be raised, equipment needs, etc. Additonally, the applicant had to provide a detailed farm plan which was reviewed by the Department to insure viability of the enterprise. Nowadays, this has been reduced to a single one page statement which essentially says "I want to farm", "Iwill grow this crop", and "I will sell this here". This simplified Farm Plan was a product of Governor George Ariyoshi's Accelerated Awards Program which then placed commercial farmers in the same competition for already scarce acrgicultural resources with the subsistence farmers. This is UNFAIR.

On another tangent, the Department has awarded lands unsuited to agriculture. A case in point is the recent Pahe'ehe'e Ridge Agricultural Subdivision. The lands were surveyed and cut up without regard to topography. The lots were only one hundred feet across more or less. This creates the possibility of pesticide wind drift endangering the lives and health of the lessees who live downwind of any farms which are sprayed. Further, the lots were laid out such that most of the lands were over twenty degree slope and therefor unable to be tilled with farm machinery. Still, most of the lots are strewn with extremely large boulders and the soil is extremely rocky. Some lots are solid rock. The final analysis for this subdivision is that it should not have been awarded as ag lots. The appearance is that the Department simply took out a map and drew lines to divide up this lot sight unseen and arrange for these lots to be given out to meet the deadlines imposed by the Governor's accelerated program. The water runoff hazard, the pesticide drift liability potential, the untillable soil, the unavailability of water---why was this area awarded as agricultural lots?

Neighbor island ag lots should be of sufficient size to survive the increased costs due to transportation of commodities to the Honolulu market. Especially on the island of Molokai where most of the suitable lands for agriculture exist in the

Department's inventory---the need for large scale operations to offset the large cost cannot be overstated. It is absolutely ridiculous for the Department to award ten acre parcels for farming. Molokai does not have a large enough population to have a local market for agriculural goods produced. The market for Molokai is one hundred percent in Honolulu. Molokai has the lands and the available water to become the breadbasket of Honolulu if the Department can move in the right direction. The urban homesteading program(i.e. the housing program)is beginning to become a priority even on Molokai. Why? The Department has reduced the size of ag lots on Molokai. Why?

Other problems with the Hawaiian Homestead Farm program include the unavailability of funds to finance farm operations. Whenever the Department's Farm funds are depleted the farm lessee has no other financing options especially if the lessee is new to farming. The State Department of Agriculture does not make state loans available to new Hawaiian farmers. Commercial banks will not loan monies for operations since the lessee farmer does not have equity in his land. The same can be said of the local Production Credit Association. Generally speaking, startup money is practically non-existent.

Another problem facing commercial farmers on Hawaiian Homelands include the unavailability of water. The Pahe'ehe'e ag lots are currently without water service. These lots were promoted as ag lots but have no water and has limited access via a dirt road which is at times impassable. Monies for the development of water in all the lands suitable for agriculture is sorely needed.

I wish to apologize for the disorganized manner of my presentation in this testimony. Due to the short notice I received that I would be able to testify after all, I had little time to prepare. I hope I will be able to submit a more detailed written statement later.

In conclusion, I hope that something is done to alleviate the recurring problems the Hawaiian Homes program has with agriculture,

MY PERSONAL INVOLVEMENT WITH THE HAWAIIAN HOMES PROGRAM--CHRONOLOGICAL HISTORY

1) I took courses at the University of Hawaii majoring in horticultural technology while holding full time job. Did this to get practical background in farming as I did not come from a farming family.

2) Applied to Hawaiian Homes Program January 1975 for a single agricultural lot in Lualualei Valley, Oahu, Hawaii. One of seven applicants.

3) I was told by DHHL applications staff member that I did not qualify for the program because I did not meet the blood quantum (50%) requirement. In same month, my sister was awarded a homestead lease by the commissioners(we have the same natural parents).

4) Application was finally accepted with presentation of additional documents obtained at the State Archives in April 1975. At the time, agricultural applications included a four page questionnaire asking for practical experience, educational background, availability of funds for financing farm operation, whether I owned farm equipment, experience in growing various crops, etc. Also had to include the ancestry documents and a detailed farm plan.

5) That single farm lot was awarded to someone else who to this day has not farmed the parcel. Have gone down annually to check on the status of my chances for obtaining a parcel demonstrating continuing interest.

6) Was told by then DHHL Chair Billie Beamer that the Department "would never, ever lease out another agricultural lot on the island of Oahu." In concert with her staff member Bill Blaisdell convinced me to move my application to the Kekaha ag lot waiting list since the next ag awards would be on the island of Kauai. When I originally transferred my application, I was given the number forty on list by staff member. Later, when the Department went on computer, I was given the new number on the waiting list of sixty-five.

7) The DHHL took the original lots in the Kekaha subdivision and cut the lot sizes to increase the number of awards but I did not get one.

8) When Governor George Ariyoshi's Administration came in, the so-called rapid awards accelration program included a 65 ag lot subdivision on Oahu(the Pahe'ehe'e Ridge Ag lot subdivision.)

9) I then appealed to then Chair Georgiana Padeken to be reinstated in my original position on the ag list for Oahu which the commissioners did approve.

10) All during the years I never lost my continued interest in farming. In 1978, I started a small vegetable farm to gain practical agricultural experience--"hands on"---financing my small operation through personal signature notes and leasing lands from the private sector. I have been farming ever since in anticipation of one day enjoying the 99 year lease I felt I have worked so hard for. I work at a full time outside job and do sundown farming at night and on weekends. I needed to do this since my signature loans on four tractors were financed based solely on my outside employment as my leases for the farm have been at most from year to year.

11) I anxiously awaited the surveying of the new subdivision despite having reservations about the suitability of the lands for farming. Most of the lands in the subdivision were on a mountain slope. The soil on most lots were either strewn with rocks and boulders or were solid rock. There were only seven out of sixty five that even had the remotest possibility of being farmed.

12) The Department(which had closed the original list many years before to the original seven) re-opened the list and took in over a hundred new names. On the day of lot selection, the chairman announced that the seven best lots were

available for award as they were to near the blast zone of the nearby Navy ammunition depot magazines. This created some disturbance especially among the original seven applicants who had waited the longest on the list. After much heated discussion, the department chairman relented and allowed the best seven lots to be put on the list for award. Needless to say, these were the first lots to be selected.

13) I selected the fourth lot as I was number four on the original list. The seven people who selected these lots were designated as the Blast Zone people and their awards have been held up due to the Department's negotiations with the U.S. Navy.

14) I continue to wait as I have for the past fourteen years for land to farm. When I first applied for farm land I was twenty-one years old. I am now thirty-five and continue to wait. All in all, the Department has questioned my blood qualifications on three separate occassions and I have always been able to satisfy their questions with the presentation of additional documentation.

NAME: HAROLD STANLEY LEVY, JR.
MAILING ADDRESS: P. O. BOX 22J, WAIANAE, HAWAII 96792
HOME ADDRESS: 86-550a Halona Road, Waianae, Hawaii
FIRST APPLIED TO HAWAIIAN HOMES: January 1975
STATUS: STILL WAITING

TESTIMONY
of the
Council of Hawaiian Organizations
to the
Senate Select Committee on Indian Affairs
August 7, 1989
State Capital
Honolulu Hawaii

Chairman Senator Inouye and members of the Committee, Aloha, my name is Louis Agard and I am a member of the Council of Hawaiian Organizations (COHO).

The Council (COHO) has been made up of a membership of several groups combined to pursue the betterment of conditions for Native Hawaiians.

To improve the operations of the Hawaiian Homes Commission (HHC) and the Department of Hawaiian Homes Lands (DHHL) has been a concern of the Council over the past several years. In that connection, commissioners have volunteered from the Council (COHO) to serve with the HHC to help develop policies. This association has provided the Council with insights into the constraints DHHL has had to cope with.

Should this hearing today be in line with one proposed by the Federal-State Task Force report of 1983, page 68, quote; "The Task Force...recommends that the Secretary of the Interior and the Governor convene a Federal-State Task Force to meet approximately one year from the date of submission of this report in order to assess and to report back to them upon progress in the implementation of these recommendations", the time is past due.

It is important that all discussions are made on the basis that Native Hawaiians are a distinct class of people who enjoy both a vested and also equity right in their homeland by the criteria, they are descendents. Descendents of Native Hawaiians who were made a unique land grant interest of approximately one-third all the lands of their homeland by the Mahele of 1848. A land partitioning by the Mahele that was never received by the mass of Native Hawaiians nor had been conveyed away by any official act before the foreign intervention in Native Hawaiian affairs with the so-called overthrow of 1893. This essentially the same Native Hawaiian Mahele land grant was then "ceded"to the U.S. in the Annexation of 1898.

It is also important when addressing Native Hawaiians as a class of people, who are descendents, that all are considered to enjoy the same vested and equity rights in their homeland. Such consideration is consistent with the Kamehameha I declaration that, "all of the lands, from one end of the kingdom to the other, belong to the chiefs and people in common".

The Council (COHO) goes on record to support the Federal-State Task Force 1983 recommendations. Mainly to parcel out in an acceleration program homesites, and has been initiated. As important is to provide funding for infrastructure so that parcels awarded may be made habitable. The Council also supports the recommendation that the Federal and State governments provide each $25 million for at least five years to aid in home construction.

In this connection a member of the Council, THE CONGRESS OF HAWAIIAN PEOPLE, have proposed that instead of $1 billion in reparations and termination that the federal government instead provide $1 billion in guaranteed loans to Native Hawaiians to build homes on DHHL which cannot be subordinated to conventional loan practices and contributes to the present lack of wide home construction for those waiting for financing.

A principal reason for recommending large financing is that Native Hawaiians have been waiting for housing of any kind for many years. They live now in larger than most average households, or double-up, by the findings of a survey conducted under contract to the DHHL with SMS RESEARCH in 1985.

There is an additional reason to support more timely DHHL financing for housing, and that is because resources are being stretched. Mostly water. Not only availability but also purity, with chemicals seeping into the water tables. During warm weather, it is not unusual for media announcements to be aired for water conservation. The ability of water to replace itself appears to be reaching its limits. And on-going development projects will be weighed against DHHL needs in the future and may adversely affect Native Hawaiian Housing efforts. In essence who gets there first gets the shrinking water supply.

Desalinating and waste water treatment may add to the water supply, but the Native Hawaiian would likely be the least prepared for such increased costs in the process

Without adequate funding, DHHL has over the years built up a back-log of needed home construction, particularly since the implementation of the acceleration program. Although more affordable housing is needed by every sector of the community. The big difference is the Native Hawaiian has been standing in-line for years, some as far back as 1952, and others are dying on a waiting list.

On July 9, 1921, the U.S. Congress enacted the Hawaiian Homes Commission Act of 1920. To provide, "adequate amounts of water for homestead lands, and aiding Hawaiians in establishing farming operations". Water is still a critical problem today. The priorities established in 1920 and now 69 years later have changed, a home seems the most pressing need now and more so into the future due to widespread real estate speculation, driving up land values nearly out of reach for Native Hawaiians.

On Oahu there is very little land for DHHL housing, except for the contested Lualualei lands of Waianae, Oahu. Two executive orders by Territorial governors withdrew 1,356 acres at Lualualei, Oahu for military use. And the U.S. Navy legal office now claims that the statute of limitations has run its course since statehood to reclaim the Lualualei lands. But there is much unused federal land lying around that could be exchanged for Lualualei, which seems to have military importance. This could help the housing crunch for Native Hawaiians where their population is the most.

It seems insensitive for the federal government to be selling excess lands, like the Fort DeRussy projected sale for some $250 million and the Native Hawaiian to be in the housing predicament that exists. For immediate relief, vacant federal lands should be returned to Native Hawaiian use and to create the only affordable housing. If this were done then the Native Hawaiian would only be getting back what was essentially only his homeland in the first place.

The foregoing needs bring into focus the issue of sovereignty. A sovereignty enjoyed by Native Hawaiians and recognized by the world community. Also a sovereignty not refuted but held in suspension since the intervention into Native Hawaiian affairs in 1893. Sovereignty is an issue to be raised fully in future hearings and the bearing it has on the welfare of the entire Native Hawaiian community for their protection now and into the future.

Attachments	(1)	Correspondence from Louis Agard, commissioner to Hawaiian HOmes Commission and to Representative Levin on guaranteed loan proposal.
	(2)	CONGRESS OF HAWAIIAN PEOPLE proposal on response to NATIVE HAWAIIAN CLAIMS SETTLEMENT ACT and the NATIVE HAWAIIANS STUDY COMMISSION report of 1983.

LOUIS K. Agard Jr.
55 South Kukui Street
Apt. D-404
Honolulu, Hawaii 96813

August 8, 1985

BOARD of COMMISSIONERS
Department of Hawaiian Home Lands
P. O. Box 1879
Honolulu, Hawaii 96805

RE: Acceleration program

Dear Commissioners:

Based on the SMS RESEARCH, Final Report of June 1985, some interpetations maybe drawn as follows;

It maybe significant that an overwhelming number of applicants are interested in residential sites, as outlined on page 6 of the report. Further responses indicate that respondents are generally desirous of recieving an award within the next three years, page 7.

Of note is the indication that applicants for homesites tend to be older than that of the average state resident, page 10.

Present applicants for homesites report living in very large households and expect if successful for an award, to be living in a household of 3 to 6 individuals, page 12. This condition stresses that housing is a very real need.

Other conditions in the report indicate about 24% of the applicants on the waiting list report owning real estate. Of the number who responded only 2% do not appear to be contributing to direct housing costs. This may mean that the majority of applicants are already carrying, although widely scattered, to the community housing program and its costs, page 13.

On page 15 of the report, applicants reflect having a lower median household income. Applicants median income in 1980 was $18,647 versus $22,750 for statewide residents. In this case the Department, (DHHL) may provide homesites at lower costs.

Not unexpectedly most applicants, 85.7% want developed homesites. The least applicants wanted undeveloped land with no improvements or the cost of improvements as part of a mortgage, page 19 and 20. Many of the homesites in the acceleration award program were in the latter category. It is possible that the acceleration program may not address the some 4,013 applicants islandwide for residential lots on Oahu as reported in the Nanakuli Development Plan of January 1985. In this instance there have been surplus lands offered to the public by the government and at the moment the city plans to dispose of sites that might be used by DHHL. Land exchanges, or agency to agency transfers appear desirable in these instances.

. Land awards should proceed as programmed. There are reasonably expected benefits to be realized by placing an applicant in possession of a homesite to which he might contribute some improvements. Although care should be exercised that not too heavy a burden is placed upon the applicant resulting in the likely deterioration of the homesite parcel. Likewise, DHHL has similar financial constraints.

These conditions suggest seeking appropriate funding to improve the homesites now being awarded. Such an undertaking could entail large sums not readily available from present sources.

Within the timeframe of increasing awarded lands up to 1987, some consideration could include seeking funds from new sources to more fully develop homesites being awarded. Such improvements most applicants have indicated desirable.

It is proposed to create a joint venture with a financial institution to provide the capital necessary for such a DHHL funding activity. It is known that home financing is one of the most secure areas of lending. DHHL may well promote in a joint venture an organized income stream into such an arrangement. An income stream or cash flow is vital to a repayment schedule in a loan program.

What might be necessary to begin the search for funding maybe to organize a committee to contact financial institutions to discuss terms or arrangements.

Whatever is needed to attract such financing should be pursued. Any legislative assistance to further DHHL self support should be encouraged.

There may well exist incentives to lenders to make a lump sum loan to DHHL for applicants homesites that need exploration. DHHL is a unique agency and as such could have at its disposal innovative aveneues to secure financing for the applicants. An early exploration of this proposal is desirable.

Sincerely,

Louis Agard

MINUTES OF August 30, 1985, Meeting held in Kawaihae, Hawaii

ITEM GX-3

SUBJECT: Acceleration Program - Commissioner Louis K. Agard, Jr.

DISCUSSION

Commissioner Agard distributed copies of his letter of August 8, 1985, to the members of the Commission. Commissioner Agard believes it is unreasonable for the Department to accommodate all of the people on the waiting lists based on the funding available at this time to the Department. He therefore recommends seeking alternate means of funding/financing. Commissioner Agard proposed that some sort of group be formed to contact financial agencies with access to large amounts of money, outside of Hawaii, for the express purpose of participating in the Department's acceleration program. The proposed group should work on a program whereby the Department will guarantee payments to the financial agencies.

The Chair noted that on nearly a daily basis, the Department is receiving inquiries from many developers. The person pursuing such a plan as proposed by Commissioner Agard is Mr. Fred Luning and a workshop is probably needed to keep the Commissioners informed of what is happening in the acceleration program. Mr. Rowe stated that seeking alternate financing is part of the objectives of the District Management Division. One of the objectives involves the creation of a minimum of $25 million by June for infrastructure only and another objective is to implement two new mortgage programs, the FHA-insured mortgages and conventional mortgages.

55 So. Kukui St. D-404
Honolulu, Hawaii 96813
October 28, 1985

Senator Spark M. Matsunaga
109 Hart Building
Washington, D.C. 20510

Dear Senator Matsunaga:

On my most recent visit to Washington D.C. of October 15-18, 1985, it was not possible to meet with you to discuss the following suggestion.

As you maybe aware I have recently been appointed to the board of commissioners for the Department of Hawaiian Homes,(DHHL). In this capacity I have come to recognize some of the constraints to the success of the departments programs. Essentially, when the DHHL act was passed in 1920, there was no accompanying appropriation measure to enable reasonable implementation of the act. As a consequence for sixty years following only 3,000 plus families have been accomodated and actually utilize the departments properties.

In the departments last fiscal year 1984-85, some one thousand families have been awarded homesites or parcels. In the coming fiscal year 1985-86, the projection is to place 1,500 more new awardees on parcels. The next fiscal year 1986-87, another 1,500 applicants are to be made awardees. Thus within three years more families will be accomodated than were in all of the past sixty years.

In this accelerated distribution of land there may develop unexpected pressures. Pressure maybe exerted to develop the land awarded, as it is mostly raw land without improvements.

Presently there are 9,047 applications for parcels of Hawaiian Homes Lands on a waiting list. It is not uncommon for applicants to be waiting for 20 years or more for an award. The long term on the waiting list for a DHHL parcel is largely due to a lack of funds to develop land. After the land is developed and improved there is also the problem of financing to build a home.

The native Hawaiian FEDERAL-STATE TASK FORCE findings suggested that funds be appropriated to DHHL to carryon its Housing programs. At the same time the source and amounts of funding were identified.

You have also participated in the lengthy effort to address native Hawaiian claims, beginning with H.B. 1944 introduced in the U.S. House in 1974. More recently you have chaired hearings in Honolulu on Volume I of the NATIVE HAWAIIANS STUDY COMMISSION report.

There have been many hours of testimony on the subject of native Hawaiian claims. It now appears the issue is in an open-ended resolution status. As such, it has occured to me that a partial solution might be a combining of the principal issues. That is, if the intent of the DHHL act, and the suggestion of the FEDERAL-STATE TASK FORCE also takes into consideration the deficiencies cited in the NATIVE HAWAIIANS STUDY COMMISSION report, then some legislative measure might be developed to address the total issue.

A legislative effort would support an attempt to bring to Hawaii some financial institution having access to ample capital to finance DHHL programs. It may take between $20,000 to $30,000 to develop a houselot on DHHL prior to a home being constructed. The present average home on DHHL may cost $50,000. The whole package of improved lot and home may total $70,000 to $80,000. To place 9,000 applicants on DHHL may cost $1,000,000,000. Interestingly, the figure $1,000,000,000 is often referred to in the native claims discussions.

What is being suggested is rather than a reparations sum that a lending agency will be guaranteed the loans it might make to DHHL applicants up to some total amount to provide for the housing that will be built on the parcels now being distributed by the acceleration program. This suggested proposal is not a grant or reparations but rather a guarranteed loan to be repaid by qualifying borrowers.

There are incentives for a selected lending institution to underwrite DHHL loans. Some discussion has been held on the subject. A home loan is many times the largest investment the average family will make. It is the last posession a family will neglect to pay for in a crisis. Home loans are considered among the safest that can be made. It should be no different for DHHL loans.

Because DHHL already manages a loan package program, the agency may continue to coordinate activities between those awarded parcels and an experienced lending institution. In this case DHHL is a co-guarrantor of the loan to an awardee of a DHHL parcel.

Because the accelerated distribution program has created a need, it is likely the congress can accept a guarranteed loan program for DHHL that is to be repaid by conventional mortgage practises.

Some discussions on the proposal will be held in the native Hawaiian community for input. A search for a suitable lending institution will likely follow to determine feasibility of the proposal.

Enclosed are relative materials. 1. A letter and proposal to the Hawaiian Homes Commission on August 8, 1985 summarizing reports by consultants to the agency on the subject. 2. A report in the minutes of August 30, 1985 referring to the letter proposal of August 8, 1985 reviewed at the Hawaiian Homes Commission meeting at Keaukaha, Hawaii. 3. A similar proposal presented to the Council of Hawaiian Organizations at a regular meeting on October 22, 1985.

While this proposal does not address all of the problems existing in the native Hawaiian community, it does address an existing and substantial problem of the present. Your support is solicited.

Sincerely,

Louis Agard Jr.

Louis Agard Jr.

cc: Senator Dan Inouye
Congressman Dan Akaka
Congressman Cec Heftel

RESOLUTION

WHEREAS the United States created a trust with the implementation of the Native Hawaiian Rehabilitation Act of 1920, to assist native Hawaiians and to place them on the land from which they had been displaced via the Department of Hawaiian Home Lands (DHHL)

WHEREAS in 1959 as a condition of being granted Statehood, the people of Hawaii accepted certain conditions including the management of DHHL and to continue assisting native Hawaiians in their rehabilitation

WHEREAS in sixty years beginning in 1920 , only some 3,000 families were granted lease homesites and in an acceleration program culminating in 1987 some 3,000 more families were granted the same privelege in recieving mostly raw land homesites due to a lack of funding

WHEREAS another about 18,000 native Hawaiian families are now on a waiting list to recieve additional homesites, there is a great lack of funding to carry-on the intended program of the trust adequately

THEREFORE be it resolved, that due to a lack of continual funding, that the state legislature request that a program be underwritten, by the U.S. Congress, as a part of past oversights, known as the Native Hawaiian Rehabili-tation Guarran-tee Loan Fund. Such a fund to guarran-tee loans made to native Hawaiians who recieve homesites, Such loans to provide for necessary improvements to raw land awards, and to enable building homes in a community recognized as enjoying a high cost of living, many times beyond the control of native Hawaiians. The guarran-teed loans are to made from conventional lenders at conventional rates and are repayable under prevailing terms. A guarranteed loan program may attract investors and new capital into Hawaii approximating one billion dollars in construction to assist the economy and would equal the state's annual budget in size.

Pespectfully submitted
Louis Agard
Hawaiian Homes Commissioner

STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS
OCTOBER 25, 1985

TO: Chairman and Members, Hawaiian Homes Commission

FROM: John Rowe, Administrator, Homestead Services Division

John Rowe

SUBJECT: Lease Activity and Applications Status Reports

RECOMMENDED MOTION/ACTION

None; submitted for information only.

DISCUSSION

I. LEASE ACTIVITY REPORT

Month Ending September 30, 1985

	As of 9/1/85	New Appl.	Award Resc.	Cancels	As of 9/30/85
Residential	3,541	2	2	2	3,539
Agricultural	725	0	1	0	724
Pastoral	70	0	0	0	70
Total Lessees	4,336	2	3	2	4,333

Area and island totals are shown on page B-1(a)

Fiscal Year to Date: Three Months Ending September 30, 1985

	As of 7/1/85	New Appl.	Award Resc.	Cancels	As of 9/30/85
Residential	3,549	2	10	2	3,539
Agricultural	727	0	3	0	724
Pastoral	70	0	0	0	70
Total Lessees	4,346	2	13	2	4,333

II. APPLICATIONS REPORT

Month Ending September 30, 1985

	As of 9/1/85	New Appl.	New Awards	Award Resc.	Cancels	As of 9/30/85
Residential	7,166	43	2	2	8	7,201
Agricultural	1,221	57	0	1	0	1,279
Pastoral	567	1	0	0	1	567
Total Applicants	8,954	101	2	3	09	9,047

[illegible]
[illegible] 1987

Fiscal Year to Date: Three Months Ending September 30, 1985

	As of 7/1/85	New Appl.	New Awards	Award Resc.	Cancels	As of 9/30/85

[illegible]

HOUSE OF REPRESENTATIVES
THE FOURTEENTH LEGISLATURE
STATE OF HAWAII
STATE CAPITOL
HONOLULU, HAWAII 96813

Speaker
DANIEL J. KIHANO
Vice Speaker
EMILIO S. ALCON
Majority Leader
TOM OKAMURA
Majority Floor Leader
PETER K. APO

DISTRICT REPRESENTATIVES
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50th — EZRA R. KANOHO
51st — BERTHA C. KAWAKAMI

†Minority Leader
††Minority Floor Leader

May 3, 1988

Mr. Louis Agard
55 South Kukui Street, D-404
Honolulu, Hawaii 96813

Dear Mr. Agard:

Thank you for your letter dated April 14, concerning Hawaiian Homes and right to sue.

I believe that we have developed a really positive approach on the right-to-sue issue, and hope that you agree with the final product. Only time will tell for sure whether we have succeeded in solving this most difficult problem, but we have tried very hard to assure that justice is done in a responsible manner.

I have heard rumors about possibly consolidating the Office of Hawaiian Affairs into the Hawaiian Homes Commission, but I am certain that nothing will be done along that line until the community has had plenty of time to consider it and a consensus has been achieved. I would think that would take many many months or even years.

I appreciate your kind words and look forward to continuing to work with you.

Very truly yours,

ANDREW LEVIN
State Representative
First District of Hawaii

AL:sr

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51st — BERTHA C. KAWAKAMI

†Minority Leader
††Minority Floor Leader

April 21, 1987

Honorable Daniel K. Inouye
United States Senator
722 Hart Senate Office Building
Washington, D.C. 20510

Honorable Spark M. Matsunaga
United States Senator
109 Hart Senate Office Building
Washington, D.C. 20510

Honorable Daniel K. Akaka
United States Representative
2301 Rayburn House Office Building
Washington, D.C. 20515

Honorable Patricia Saiki
United States Representative
1407 Longworth House Office Building
Washington, D.C. 20515

Dear Senators Inouye and Matsunaga
and Congressmen Akaka and Saiki:

The enclosed resolution was given to me by Mr. Louis Agard, one of the Commissioners for the Department of Hawaiian Home Lands. I believe it is worthy of your attention and therefore wanted to ask your input on it.

The resolution has not been adopted by the Department and, at least for now, is only Mr. Agard's proposal. However, I think it is a program that many people could support and endorse, and would be a tremendous boon to our Hawaiian community.

I would like to ask whether you believe that such a program would be workable, and whether you think that Congre would be willing to approve such a loan fund. If support from the state legislature would help, I would be very pleased to do whatever I can in that regard.

May I please hear from you.

Very truly yours,

Andy Levin

ANDREW LEVIN
Representative
First District of Hawaii

AL:ck
Enclosure
cc: Louis Agard

DANIEL K. INOUYE
HAWAII

[illegible]
Suite 7325, 300 Ala Moana Boulevard
Honolulu, HI 96850
(808) [illegible]

United States Senate
ROOM 722, HART SENATE BUILDING
WASHINGTON, DC 20510
(202) 224-3934

RECEIVED '87

May 28, 1987

The Honorable Andrew Levin
House of Representatives
The Fourteenth Legislature
State Capitol
Honolulu, Hawaii 96813

Dear Representative Levin:

On behalf of Senator Inouye who is currently away from the office, I wish to acknowledge your communication concerning Mr. Agard's proposed resolution.

Thank you for sharing this information with Senator Inouye. We have received many inquiries concerning the backlog in distribution of homesites. Senator Inouye shares this concern and is presently considering various alternatives to solve this problem. To this end, Senator Inouye will keep Mr. Agard's Native Hawaiian Rehabilitation Guarantee Loan Fund proposal in mind.

In the meantime, please do not hesitate to contact Senator Inouye if he can be of further assistance in this or any other matter.

Aloha,

Margaret L. Cummisky

MARGARET L. CUMMISKY
Legislative Assistant

MLC:r

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THE FOURTEENTH LEGISLATURE
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51st — BERTHA C. KAWAKAMI

†Minority Leader
††Minority Floor Leader

July 15, 1987

Mr. Agard
Hawaiian Homes Commission
335 Merchant St.
Honolulu, HI 96813

Dear Mr. Agard:

For your information, enclosed please find the response I received from Senator Inouye's office dated May 28, 1987.

Very truly yours,

ANDREW LEVIN
State Representative
First District

AL:dp

Enclosure

The CONGRESS
of the HAWAIIAN PEOPLE

98-1364 AKAAKA STREET
AIEA, HAWAII 96734

August 7, 1989

Senate Select Committee on Indian Affairs
State Capital;
Honolulu, Hawaii

SUBJECT: Hearings, on Department of Hawaiian Homes

Mr. Chairman Senator Inouye and Committee:

Attached is a proposal first submitted on October 28, 1985 in response to the proposed NATIVE HAWAIIAN STUDY COMMISSION REPORT of 1983. The proposal address' the NATIVE Hawaiian CLAIMS SETTLEMENT ACT.

Essentially, rather than reparations the proposal seeks to have a joint funding provided by the federal government and the State of Hawaii as co-guarantors of home loans made to Hawaiian Homes leasees. These are conventional loans at prevailing rates, and secured by the value of the homes in the Hawaiian Homes program due to the great demand.

Additionally the proposal seeks to have land in the ceded land inventory made available for home construction for other Native Hawaiians not now able to participate in the Hawaiian Homes program.

55 So. Kukui St. D-404
Honolulu, Hawaii 96813
April 15, 1986

Senator Spark M. Matsunaga
109 Hart Building
Washington, D.C. 20510

Dear Senator Matsunaga:

Comments on the PROPOSED FEDERAL LEGISLATIVE PROGRAM in response to the NATIVE HAWAIIAN STUDY COMMISSION REPORT, was to be in by January 31, 1986. Prior to that date by coincidence, on October 28 1985 I had mailed to your office a suggestion for a reparations settlement in part. It was essentially a guaranteed home loan program on Hawaiian Home Lands for the increasing applicants due to the acceleration awards program underway. At the time the suggestion was made there were about 9,000 applications and now there are about 11,000. Indications are, that by the year 2,000 some 20,000 applicants can be accomodated. Further by the year 2,025 perhaps 50,000 families might be placed on Hawaiian Home Lands under an acceleration program such as is underway. All of this has been a healthy response to a long standing need. The awards now being made are basically "raw" land. Some assistance is needed to construct homes and improvements on these awarded parcels.

It is likely the assistance requested for an initial loan guarantee amount would initiate a program that can be self-sustaining. Essentially no services that require continued funding are contemplated. That is an applicant for a loan must qualify financially and make repayment on a conventional loan basis by a standard repayment achedule. The program would be made possible by conventional lending institutions. The Hawaiian Homes Lands Department would act as co-guarantor to service and oversee the loan portfolio. It is hoped that the proposal for a revolving home loan fund can recieve favorable consideration. Housing is a prime need in Hawaii.

Working closely with the CONGRESS OF HAWAIIAN PEOPLE a response to the PROPOSED FEDERAL LEGISLATION PROGRAM was submitted prior to January 31, 1986. This response sought to comment on all parts of the federal proposal accompanied by a cover letter from all of the congressional delegation. The response from the CONGRESS OF HAWAIIAN PEOPLE seeks to obtain benefits for those individuals who do not now benefit as those of one-half or more blood enjoy. The benefits are not reparations in cash, rather land to be used for rehabilitation as is done with the Hawaiian Homes Lands. There are ample arguments why this should be so, particularly when reviewing the history of the Hawaiian Homes Act of 1920 and its development and some of the rationale behind its conception. Briefly there are underutilized federal lands in Hawaii that have been so for many years. This condition suggests a declining need for stationary installations as opposed the highly mobile defensive forces available for deployment. We appear to be entering an era of negotiation rather than catastrophic confrontation as evidenced by your own efforts towards a Peace Institute.

I am taking the liberty to enclose with this communication a copy of the proposal for a land settlement on the reparations issue. There has been a positive response to the Department of Hawaiian Homes Lands awards of land parcels. The response will be the same to such a program for those who do not now qualify for the existing awards program.

Sincerely,

Louis Agard

DRAFT

A RESPONSE TO THE
PROPOSED CONGRESSIONAL LEGISLATIVE
PACKAGE
on the
NATIVE HAWAIIAN STUDY COMMISSION
Findings
as the

NATIVE HAWAIIAN CLAIMS SETTLEMENT ACT

Louis Agard

DRAFT

NATIVE HAWAIIANS*
DEPARTMENT OF HAWAIIAN HOME LANDS
OFFICE OF HAWAIIAN AFFAIRS
and
REPARATIONS

An Examination

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PROLOUGE

E HAWAII AU, I am Hawaii, is the manner in which the inhabitants of Hawaii would describe themselves.

Mai ka Po Mai, we came from the night world, was a description of how E Hawaii au arrived in his place.

When Captain James Cook discovered Hawaii and reported to the world the find, E Hawaii au was the inhabitant from time immemorial.

These are the inhabitants recognized in the Resolution of Annexation of 1898 for benefits from the ceded land income.

OVERVIEW

Hawaii and its residents practised a social order as recited in their oral history. Kamehameha I from the island of Hawaii unified all the islands by conquest in 1895. Thus all of the islands became the kingdom of Hawaii. By 1840 Kamehameha III the son of Kamehameha I granted the first constitution of Hawaii and followed that eight years later in 1848 with the Mahele or land division of all of the lands of Hawaii.

In 1826 Catsby Jones initiated the first Articles of Arrangement between the U.S. and the kingdom of Hawaii. The Articles could be equated with a treaty.1/ More than a score of treaties would be concluded between Hawaii and foreign powers. The most important for Hawaii was the Reciprocity Treaty of 1887 that gave unique powers to Hawaii to neutralize U.S. taxation practises.

The U.S. showed interest in annexing Hawaii beginning in 1854. U.S. senator Morgan explained how the Recipprocity Treaty was concluded to bind Hawaii economically and militarily to the U.S.

In 1893 U.S. troops were landed in Hawaii to protect American lives and property while no unrest prevailed in the kingdom. The troops were so stationed as to aid in the intervention of the legitimate Hawaiian government. An activity that has been described as an act of war by U.S. president Cleveland.

INTERVENTION

The U.S urge for intervention has beeen demonstrated many times in the past as in Hawaii. On the other hand conservative U.S. Senators wanted to pursue limited goals abroad, by strictly constitutional means. Even to opposing fighting an undeclared war in Korea in 1950. Today some congressmen suggest overthrowing governments like those in Angola and Mozambique which lie on opposite coasts of the African continent.

What are some of the products of intervention? In Hawaii, one product has been the Department of Hawaiian Homes (DHHL) and another has been the Office of Hawaiian Affairs (OHA).

DHHL was created sixty five years ago in 1920 to rehabilitate native Hawaiians, or those of one-half or more blood. The blood quantum issue was first introduced as a one-thirty-second part, then followed by a one-quarter part and finally as a one-eighth part. Opposition in the senate of the Hawaii legislature finally saw the selection of a one-half part or more Hawaiian as a beneficiary of DHHL. A class of Hawaiian had been established that overlooked the right of succession as practised throughout the world. Today that right of suceession is being pursued through the congress to permit one-quarter bloods to qualify. As argued by the proponent of the 1920 act, Senator John Wise, who said,"if Hawaiians have an equity right in those lands of Hawaii to be set aside, what difference does it make if they are one-thirty-second part or more to qualify and recieve benefits?" For sixty years from 1920 only 3,000 families were placed on the land and only about 15% of thetotal lands set aside are being used by them. This condition is largely due to an absence of continual funding.

6

COMPARISONS
Department of Hawaiian Home Lands and the Office of Hawaiian Affairs

The Department of Hawaiian Home Lands was created for the rehabilitation of the native Hawaiian race as its purpose. The Department, DHHL has been managing its affairs for about sixty-five years with serveral funds to assist farming and residential needs. Outside Department funding has been intermitant. The Department was designed to serve the one-half or more native blood beneficiary. At this juncture the designation of one-half or more blood would appear to be serving only the full-blooded and their immediate children with no provision for other descendants to succeed. A census indicates there are about 170,000 individuals that have native blood. Between 40,000 and 50,000 individuals can qualify for benefits under the present DHHL one-half or more blood quantum policy. DHHL administers about 200,000 acres of land on all islands in its programs.
DHHL has an acceleration program to award parcels to the many on the waiting list. (see accompanying article to Senator Spark Matsunaga)

The Office of Hawaiian Affairs (OHA) was created by the State Constitutional Convention of 1978. OHA began operations in 1980 and had as one of its purposes, to serve as a possible receptacle for reparations should such an award, based on the Native Hawaiian Study Commission report sanction that eventuality. OHA recieved no lands as set aside or from those "available" when it was created. However, OHA was to recieve instead, 20% of the ceded lands income. The ceded land income question is being challenged and in litigation. Additionally OHA was to recieve administration funding from the state legislature in a nominal amount. OHA may serve any blood quantum applicant or all 170,000 individuals who posess native blood. A paradox exists whereby, while OHA can serve all 170,000 with native blood, its major income, from ceded lands may only be used for those of one-half or more native blood. In this instance OHA's mandate is not clear. Unless OHA was to generate its own revenues to serve all 170,000 individuals with native blood. These conditions were defined in Section 5f of the Admissions Act of 1959 whereby Hawaii was granted statehood. Due to the circumstances, there is some redundency in the OHA function under section 5f where two agencies, DHHL and OHA serve the same beneficiaries of 50% or more blood. How effective OHA has been, relative to its constituency might best be measured by an evaluation of its programs and continuity or self-sustaining capacity.

The major difference between DHHL and OHA is that the former was a creation of the federal congress and the latter by the state in a constitutional amendment. DHHL resembles other native American land grants and has been operational for a lenghty period. It is likely that the DHHL was a result of the argument of Hawaii Senator John Wise who pointed out that native Hawaiians posessed an equity in their homeland and that a blood quantum would not change this interest by succession.

Because federal troops were used in the overthrow of 1893 and thereafter the federal government became the chief reciepient and beneficiary of the native Hawaiian lands that were ceded in the annexation of 1898, some adjustment is reasonable. Although the federal government has in the Admissions Act of 1959, in effect quit claimed the native Hawaiian lands it accepted from the Republic of Hawaii in the annexation of 1898 to the state of Hawaii. The state of Hawaii was to administer the native Hawaiian ceded lands for two beneficiaries, thegeneral public and the native Hawaiians. Yet the original authority for these latter land tansfers were not made by a Republic but rather an oligarchy posessing questionable validity in disposing of native Hawaiian lands.

These conditions raise the issue of who should have the primary responsibility to native Hawaiians for their equity land interest, the state or the federal government.

EXECUTIVE SUMMARY

The offer of $1 billion is generous as reparations to native Hawaiians. The proposed BILL has other beneficial aspects. However the self sufficiency sought for native Hawaiians maynot be obtained with a grant of $1 billion.

In place of $1 billion a land/income settlement is offered as a counter proposal. This is based on population. Native Hawaiians comprise about 20% of the total 1,000,000 population of Hawaii. Some native Hawaiians have been obliged to move elsewhere for job opportunities and others are unable to come home due to the high cost of living which includes the cost of housing.

It is proposed that native Hawaiians be awarded 20% of Hawaii's lands for their sustenance and future conservation. To avert future problems such lands to be inalienable. Value may determine the award rather than quantity.

The remainder of the lands are surrendered to either present user the state or federal government after negotiations. Those surrendered lands to earn income in the amount of 20% of the total acruing to native Hawaiians and thier programs on a sustained basis.

This propsal seeks to avoid large cash layouts and is predicated upon a "pay as you go" program. The following narrative details the native Hawaiian claim to the ceded lands of Hawaii now held by the federal and state governments as justification.

NARRATIVE

PART I

In the Summary, the most important section is Part I, C and in a sense Part II, A seems redundent. Part II, B is also important because it is the section that may assist the majority of native Hawaiians the most if provided carefully. Petioning for monetary reparations especially at the present maybe unacceptable to the congress dealing with the large deficit. At the same time this provision may also provide the greatest problem of all because there maybe calls for a division of the reparations sum among the qualifying living. Division is certain to cause differences due to qualifying blood quantums, age participation limits and even projections of benefits to the unborn. To clarify the blood quantum issue, it maybe considered that full bloods recieve a full share, a half blood a half share and so on down the the percentage line. Ideally any benefit should be a long term solution for use by each generation successivly and encourage self-sufficiency.

If the Alaskan settelement results are any guage, $1 billion maynot be the answer but only a temporary solution. The Alaskan esperience has shown that even with the award of 40 million acres of land that can be alienated in 20 years, there will be anticipated problems.

Briefly tracing Hawaii history, it can be found that what the Republic of Hawaii transferred in 1898 to the U.S. were the native Hawaiian interests in the Crown and Government lands.

The Republic had combined these two divisions and called them erroneously public lands. This was done withouta mandate, a referrendum or a ratification by the majority native Hawaiian electorate. The native Hawaiians today can render a mandate for the disposition of these lands ceded by the Republic in 1898 without mandate of the majority. Native Hawaiians through the OFFICE OF HAWAIIAN AFFAIRS (OHA) can render a decision on the disposal of ceded lands. In the process the Republic also assumed the treasury and sovereignty of the native Hawaiian majority.

While Queen Liliuokalani yielded to the U.S. troops in 1893 to a display of force, the troops did not in any sense enjoy sovereignty over Hawaii and were not the adversary nor had read an abrogating proclamation. The accompanying Provisional government, to the proclamation reading, was not a de facto nor de jure government as observed by president Cleveland in his report to the congress.[2] Neither was the Provisional government recognized by the U.S. congress in the McCreary Resolution of 1894, which condemned the U.S. intervention.[3] The Provisional government was solely supported by the force of arms of the U.S. troops, and which initiated the subjugation of native Hawaiians up until 1900 and annexation.

The Republic of Hawaii, an oligarchy, succeded the non-sovereign Provisional government and assumed control of Hawaiian lands, sovereignty and treasury with mostly the same officers and leaders of the Provisional government. The Republic of Hawaii was not a republic, despite the title, performing contrary to U.S. principles but rather destroyed the voice of the people. The Republic did not posess the sovereignty of Hawaii to transfer. In the HAWAIIAN INVESTIGATIONS report of 1904, the Republic's officers were charged with malfeasance, defaulting and embezzlement and theft.

At the same time thousands of acres of land was subject to fraud and over-reaching.[4] The weak Republic hastily sought annexation to preserve the oligarchy holdings but in the process sacrificed the vested rights of native Hawaiians by offering native lands to induce annexation that would be for the inclusion of military installations.

With all of these irregularities, it is a great wonder how the legality of it has escaped the application of innational law and constitutionality. The ceding of Hawaii's lands in 1898 is frequently cited as the authority for subsequent land grants or exchanges. This authority is challenged, because the Republic did not enjoy sovereignty, it went through the motions to effect annexation but could not transfer anything of substance, at least where native Hawaiians are concerned.

These conditions bring into perspective of what should be done for native Hawaiians. It appears what has been assumed are basically land titles. But lands appear to be the best long term asset for native Hawaiian use.

It maybe best to provide those native Hawaiians who are not being served by DHHL precedent with similar services. Although DHHL may only serve the half or more native Hawaiian. Because DHHL only serves one portion of the native Hawaiian community, it follows that those native Hawaiians not served should also be recognized for their equity in the land and resources of Hawaii.

These conditions suggest that instead of $1 billion in reparations that native Hawaiians original lands be returned from federal and state surplus or reserves. Land is very important because it is expensive. Native Hawaiians many times cannot afford to acquire homesites due to their low median income. It does not seem wise to penalize nativesby furnishing cash in reparations, that may only purchase very little because of high land prices. Hawaii land prices are among the highest in the nation and beyond the control of natives since their lands were seized by force in 1893. In this case, land returns do not require appropriations from congress and appear more palatable under the prevailing budget circumstances.

It seems more reasonable to return land that maybe or will become income producers as native Hawaiians relearn to manage their resources so long denied to them.

Again to cite the native Alaskan experience, it is recognized that if experience or programs are lacking or not in place, that that can be an expensive way to learn. A lack of programs or program experience has shown that funds as in reparations can be non-sustaining or see a depletion of funds long before programs become self sufficient.

Only in the case reparations are earmarked for land acquisitions such asMakua valley,Waiahole valley, or Kahana valley including similar sites that might provide housing, a high priority for native Hawaiians, would reparations be feasible. In fact, at prevailing conditions indications are that only some 10,000 families on DHHL properties can be serviced at about $80,000 per family unit. This could mean a total outlay of 800,000 to $1 billion. This outlay would not include the cost of the land in the package for DHHL properties. The land would be furnished at no cost, and placed in a revolving bank to accomodate succeeding generations of native Hawaiians.

Legislative action to encourage new financing is necessary to assist this new group of native Hawaiians to become homeowners.

PART II

Part II, B is well meant and welcome but it could become a poorly managed fund to only benefit some of this generation, rather than long term for preserving a culture and homeland for succeeding generations of native Hawaiians.

As a relative subject, the state legislature passed the HAWAII LAND REFORM ACT of 1967 to theoretically create more housing. The Act did not actually, because for the Bishop estate the housing was already built and in place prior to condemnation proceedings. In the process the Bishop Estate was damaged and some adjustment is sought. The Bishop estate was an early target for the land reform claim that began in 1954.[5/] Yet the Bishop estate solely educates children of Hawaiian ancestry. The estate also contributes to the Hawaii state Department of Education (DOE) to reach a broader base of children including those of Hawaiian ancestry. The Resolution of Annexation of 1898 to annex Hawaii, in Article II directed that all of the proceeds from the native Hawaiian ceded lands, which became the so-called public lands, after costs of government be used solely for the education and public purposes of the inhabitants. The inhabitants must mean or include native Hawaiians, who were from time immemorial, as by the description of themselves "E Hawaii au"or translated, I am Hawaii.

These activities indicate education was and is a high priority for native Hawaiians. But the state agency with its police powers of condemnation, it is estimated will deny the estate an estimated$300 million in income, by exercising the Land Reform Act of 1967.

This large amount is one-third of the proposed reparations sum. This large loss will be realized by condemning the estate lands and only paying approximately one-third the value per square foot while the going price in Hawaii for fee land is $10.18 average per square foot. The parcels of land under condemnation at present are expensive subdivisions being sold under market needlessly. The legislative intent is unclear and it appears to have difficulty serving the majority and the minority of native Hawaiians. It seems the Land Reform Act of 1967 discriminates against native Hawaiians in this case and is a continuing of by-passing of their interests. Some replacement of those lost educational funds should be considered in this instance. It maybe even better to grandfather out of complicance the Estate in a reparations package to avoid future pressure of this kind and protect native Hawaiian education opportunities. Grandfathering can be appropriate because the estate was founded long before any other government succeeded the kingdom which early on stressed education and even made it compulsory, something that did not happen under the succeeding oligarchy who discouraged education. 6/

At this juncture it might be proper to discuss the sovereignty of Hawaii. It appears the first kingdom of Hawaii was founded and legitimately constituted of native Hawaiians. In 1893 U.S. minister John Stevens laid the ground work to establish the Republic of Hawaii. Stevens literally established the Republic at the point of a gun when he had raised the U.S. flag over the kingdom's government building. The Republic was directed by U.S. president Cleveland to restore the legitimate native Hawaiian government. The Republic's officers refused declaring the Republic was an independent entity and would not concede to interference. Yet the Republic apparently took a step backward to become a territory in the annexation of 1898. The question is why?

The Republic of Hawaii was not a republic despite the title. In fact destroyed the voice of the people. A statement in the NATIVE HAWAIIAN STUDY COMMISSION report of Volume I claims that minister Stevens acted without authority in landing troops. But he in the process also created the Republicof Hawaii without authority it follows. What authority did the Republic of Hawaii posess, particularly in the ceding to transfer the native Hawaiian kingdoms lands in the annexation of 1898. This is the central issue to Hawaiian claims or reparations because the ceding of 1898 in the annexation is often cited as the authority for the further transfer and land grants made in 1959 for Hawaii Statehood. It is sad but true that newspaper accounts circulated on the U.S. mainland in 1898 implied that annexing Hawaii would be tantamount to recieveing "stolen goods". It can be pointed out that native Hawaiians had considered as far back as 1854 to join the United States union.[7] Hawaii would join as an equal state but would retain the kingdoms lands. This is what happened in Samoa when the chiefs agreed to be annexed in 1898 but would retain their ancestral lands and the territory of American Samoa was created.

To reiterate the Republic's apparent backward step from an independent republic to become a territory by surrendering sovereignty and ceding 1.7million acres of lands to the U.S., what advantages are evident?

Only short term ones as the Republic sought to hold on to its gains of investments and lands. In reality the Republic surrendered the power to elect a president or governor and would have to accept an appointed chief officer. It should be pointed out that the Republic had difficulties with land policies which may have served to weaken it and further it could not warrant title to the native Hawaiian lands it ceded to the U.S. in 1898.

To trace and review this strange twist of events it is evident that minister Stevens created the non-de facto Provisional government without authority. The Provisional government was forced to be succeeded by the non-sovereign Republic of Hawaii which could not warrent ownership of the lands it ceded to the U.S. in 1898. The Republic bankrupted itself to become a non-governing territory without land or sovereignty. In essence the citizens of the Republic recieved nothing for becoming a territory or even may have lost something, like what was their joint ownership of the land under first the kingdom and then theorectically under the Republic. The territory was to exist without land ownership and sovereignty which had been transferred by the Republic to the U.S. for the privelege of annexation. In 1959 the U.S. transfers back the native Hawaiian and former ceded lands to grant Hawaii statehood as a sovereign state of the union.

In the form of musical chairs, the players change positions but retain their identity. The same interests that conspired with minister Stevens in 1893 existed under different regimes and appear to prevail at present. 8/ What this may mean is native Hawaiians involuntarily purchased Hawaii statehood with their land and ingenously recieved nothing for it. Only when native Hawaiians are restored their land rights will the musical chair syndrome be corrected.

In 1959 when Hawaii became a state the total electorate overwhelmed the native Hawaiian electorate by voting for the proposition to grant immediate statehood. 9/ To regress we find in the Resolution of Annexation the ceded lands were not to be public lands as public lands are in the U.S. But were to be specially legislated for at some future time. This appears to be a proper action as there was a native Hawaiian interest in the ceded lands. During the 1959 quest for statehood native Hawaiians were not apprised or offered an opportunity to defend their interest in the ceded lands.

This maynot be unusual because the same interests that seized Hawaii's assets by clever manipulations was succeeded to by a similar mindedone to engineer statehood over the benefit of native Hawaiians. Or without considering the right of the natives to the lands versus the state, which recieved all the the subject lands.

The question is the status of the original title to the Crown and Government lands arbitarily combined by the Republic under the Dole Land Act of 1895 to be ceded to the U.S. Native Hawaiians cannot accept the transfer of native lands by the Republic to the U.S. These lands enjoyed aboriginal title under Kamehameha I and then fee title by the Mahele of 1848 to the native in common. The Republic did not treat with the native Hawaiian for title. Rather the Republic hastily quit claimed the lands to the U.S.[10/] This took place whilenativeswere subjugated by a show of force and unable to defend their interests.

In view of the Republic of Hawaii's quit claiming native Hawaiian lands and the oversight to furnish title thereto, the native Hawaiians may bring forth their claim and evidence to support their status. The basis of the native Hawaiian claim begins on Page 109 through pages 128 of the HEARINGS before the COMMITTEE ON ENERGY AND NATURAL RESOURCES, UNITED STATES SENATE, Ninety-Eighth Congress, Second Session, APPENDIX, Part 2. All the land divisions of the ahupuaa are designated as to district and recipient. In this action the king reserved for himself and the dignity of thecrown approximately 900,000 acres to be held by him and his assigns forever. At the same time the King set aside for the chiefs and people the larger remainder of the kingdom. There were no other divisionsand subsequent transfers should be based on the original of the Mahele. Those lands that were purchased before the overthrow of 1893 are evidently legitimate transfers.

But the 1.7 million acres not transferred but ceded in 1898 are subject to the original grant from the king. This interest should accrue to the native Hawaiians in common. The Republic did not treat with the electorate of the commoners to acquire title or jurisdiction when it ceded the 1.7 million acres in 1898.

PART II, to continue discussion on this section, it seems there has been congressional opposition to the proposed Joint Resolution acknowleding an obligation of the U.S. because of the overthrow of the Hawaiian kingdom. To avoid continued opposition and achieve similar results, it is suggested that negotiations be conducted on the level of previous treaties between the principles. That is, the renewal of the Reciprocity Treaty of 1887 established the basis for native Hawaiians to recieve certain priveleges and immunities. The terms of the Reciprocity Treaty is also an instrument the native Hawaiian community may furnish a mandate upon. This would be by the registered voters of OHA.

Native Hawaiians enjoy a unique status. The record reflects that up to 1893 that native Hawaiians and their government were capable of generating revenues to sustain themselves and their treasury. It was after 1893 that the nearly $4 million deficit occured to encourage annexation whereby the U.S. paid off the indebtedness of the oligarchy as a part of the annexation process and was another factor inducing annexation.[11] Native Hawaiians did not benefit under the oligarchy in fact were subjugated by a show of force for seven years up to annexation and denied their basic priveleges.

On the other hand, it is apparent that since native Hawaiians did manage their affairs prior to the overthrow that it follows that they are likely to continue to do so with their ancestral lands. It is apparent that there is adequate income from these lands to sustain the activities of a self-sufficient native Hawaiian community. In that sense, unlike the terms being arranged with the Trust Territory Islands, native Hawaiians can sustain themselves better under the terms of the 5th amendment of the U.S. constitution.

In this scenario, the terms of reparations anddamages should be minimized. Native Hawaiians should be encouraged to be self-sufficient as were the native Alaskans by their settlement. Also by the negotiated compacts being designed between the Trust Territory Islands, that allow for more self determination. However, the idea of reparations or grants should be set aside, as probably not the best method of assisting self sufficiency for native Hawaiians in their homeland.

Returning to theDraft, on page 13 it can be found the statement that "no formal, explicit document from the U.S. Government to Minister Stevens ordering the landing of the troops has been found". Relative to this, there has been clearly found a directive to the battleship USS BOSTON to proceed to Honolulu to assist in the annexation of Hawaii. This communique was located in the National Archives in Washington, D.C.[12/]

Also on page 13 is the statement "self determination is an inherent right for all people, international law principles of self detrmination or autonomy includes economic and social rights". Followed by the statement that loss of self determination is at the root of the problems of native Hawaiians. This is a proper argument in the JUSTIFICATION portion. But it also explains why when native Hawaiians experienced loss of self determination that thedemographic statistics reflect loss of revenues to determine priorities and susequent poor records of educational attainment and employment; excessive arrest and criminal detainment; lowest income, poorest health, and highest infant mortality. They are a depressed and disenfranchised people.

Continuing on the Draft, page 14 is the statement, "deprived of self determination by the U.S., Hawaiians are due reparations". This seems in the present context of the proposal to be a temporary and non-sustaining measure for the reasons pointed out earlier. Especially if considered against the conditions of a draft BILL, on page 22, to state in Sec. 4. (2) "All claims of native Hawaiians against the U.S. arising out of the overthrow of 1893 of the Hawaiian monarchy, shall beextinguished on the day on whichthe aggregate amount of payments have been made". To expect that for many generations or more than ninety years of denial, that 10 to 12 years of payments of $100,000,000 would solve the problems generated is not a practical approach. As an example, if all native Hawaiians had a parcel of land and home already built upon it, a $1 billion dollars might be reasonable. As it is, just to place the expected 10,000 native Hawaiians on DHHL would require $1 billion not to mention there are another 170,000 native Hawaiians who would be oversighted and not to enjoy the priveleges of their homeland and in which they have an interest.

Again on page 14 in the fourth paragraph there is the statement that reparations will be used to create a trust fund. Trusts have not worked well for native Hawaiians. A refereence to one is in the Resolution of Annexation. The Havaiian Homes Act maybe construed as another, but without the needed funding. In the Admissions or Statehood compact, there was another trust implied. This one directed that income from the ceded lands be used for the general public and the native Hawaiians. This trust has not worked as well as intended.

While it is in the early stages of the proposal, the needs are not clear with regard to programs. One major concern here is there might be a gap between startup and evaluation of effective programs. To avoid waste and mismanagement, programs should be clearly defined for acceptance. The other concern relates to a possible lack of continuity. Importantly, unless these types of programs are to be self sustaining, native Hawaiians will likely again return to the present circumstances in the long term. With reference to accounting and audit requirements they appear to come too late or after the funds are dispersed. This proposal is more of a one shot undertaking and there maybe little room for misjudgments using non-renewal funds.

It can be construed that a trust retains or encourages dependency. The experience of dependency for native Hawaiians the record will show, at present, has not worked well for native Hawaiians.

As an example, unlike the compact of the Marshall islands where a site like Kawajalien is adequately compensated for, the large potential income from the ceded lands for native Hawaiians is denied. It is clear that native Hawaiians being dependent upon allocation of resources from the larger community has not always been a rewarding experience. Such a condition, in view of the prevailing political structure, will not likely change in their favor. They are simply void of an income or revenues to determine priorities. A condition that enhances the present depressed and disenfranchised status.

Generally the four items on page 15 for discussion are appropriate. Particularly the second item stating, "the native Hawaiian community to acquire and develop land and natural resources for the benefit of native Hawaiians".

This condition may be the most beneficial and long term in nature. In a sense reparations for such purposes can be beneficial.

Native Hawaiians as members of the larger community will be taxpayers for all other services. That is educational, health and social services, which they have always been. Discussions frequently center on such services. It is hoped there will not be a duplication of such for native Hawaiians. What they seem to require most would be shelter to relieve overcrowding. Overcrowding can lead to their many other problems. They now live in very large households even camps that support less than favorable conditions. The other facet of the native Hawaiian community in need of attention is to address job discrimination resulting in unemployment. Reparations may not have a long term impact in this area under the proposed plan to develop programs. It will be difficult to address unemployment in the 10 to 12 years timeframe of the proposed reparations measure. There must be a long term approach. This might only be doneby long term prioritized revenues which might come from a ceded land income to prepare native Hawaiians for an ever increasing and competitive society into the future.

Employment offers a good opportunity to advance out of existing conditions for many native Hawaiians. Their other needs then can best be addressed by services they can purchase as they need them. It does not seem prudent to rush into a reparations measure for programs and services that will have to be developed or designed. The effectiveness of which may take all the time to evaluate within the ten years of payments or by the time the reparations measure expires.

In this connection both the DHHL and OHA have programs that might be considered to be funded. Depending on continuity and maximum benefits to the native community.

The Findings and Purposes portion appear adequate on page 16 although some of the Sections in this area conflict with the page 13 fourth paragraph JUSTIFICATION of self determination or autonomy. Particularly since indications in Section 4 stress termination of all native claims by accepting the present proposal. This seems again a temporary solution to a long standing problem when what is needed is a long term solution. Reparations in increments of $100,000,000 may not address the root of the problem and maynot be palatable to the congress. That is why ceded land income, or a pay as you go, undertaking may offer the best solution

PART III

PART III OF THE Draft should address the first concern pointed out in detail earlier in this response beginning on page 2 to outline the quit claim of the native Hawaiian lands to the U.S. by the Republic and the validity of that action. This section refers to current laws now in effect. Native Hawaiians cannot accept the transfer of their lands by the Republic under the circumstances and current law should be amended to address these conditions of the quit claim. Amend present law to reflect the interest and therefore the income accruing legitimately to native Hawaiians.

In PART III, C. The waiver of sovereign immunity appears appropriate for judicial enforcement of ceded lands obligations.

PART III, Ceded Lands Amendments in (I) outline the need for a land review commission. Four members are listed, two by presidential appointment and two by the governor. In addition there should be two from the native HaWAiian community selected by the voters of OHA. This makeup may provide for grass roots representation of the native Hawaiian community who have an interest in those lands. In brief, this measure seems to benefit the state and not necessarily the native Hawaiian community as put forth in the first paragraph of the JUSTIFICATION that the U.S. shall make restitution.

PART III,(I), APPEARS TO BE PROPER FOR PURPOSES OF clarifying disputes. Although in this section a question arises as to why will the U.S. make restitution to the native Hawaiians in a proposed $1 billion while retaining only some 400,000 acres of native Hawaiian land and then note in the POPULAR NAME, Section 2 (a) "that most of the ceded lands were given to the State of Hawaii when Hawaii was admitted into the union?". These state lands now amount to about 1.3 million acres. It does not seem correct, if the U.S. retains ostensibly 400,000 acres in exchange for $1 billion and the state retains 1.3 million acres without cost.

The concern here is the recurring theme of the musical chairs as pointed out earlier in this response. Unfortunately the state of Hawaii is the successor to, heir and assign of, the provisional government that now fully enjoys the native lands seized in 1893 of the overthrow. There does not seem to be any sign of restitution from this activity. However, in the Admissions Act of 1959 proceedings, the new state of Hawaii recieved 1.4 million acres approximately. The new State would surrender any claims to those lands retained by the U.S. That the Territory or State had any prior interest in the lands to surrender is of interest. If indeed the Republic of Hawaii validly and free and clear ceded the native Hawaiian kingdom's lands, would the Territory or new State have any residual interest to surrender in the Admissions? Does this mean that the 1.4 million acres granted to the state for immediate admission would further require the new State ten quit claim the land sites retained by the U.S. of 400,000 acres of native Hawaiian lands? By what authority could the new state grant such a concession?

It does not seems proper that the native Hawaiian lands are divided up without their particiepation, concurance or compensation. This brings up the equitability of placing another value on the ceded lands and payments therefore to be made over a longer period of time in smaller amounts for consideration. Because the State's now about 1.3 million acres is three times the U.S. interest, compensation should be equally as much in whatever form is acceptable.

PART IV

PART IV, A is a proper consideration with regards to the enclosed Exhibit A. In C. there is a proper recognition of wrongfully conveyed lands. Appropriate compensation is suggested. It is pointed out that the native Hawaiian homeland was wrongfully conveyed in total also. Each native Hawaiian of less than half blood is also entitled to a share of thebenefits of the homeland even if only because of the grant from the king in the Mahele of 1848. Therefore it follows that the ceded lands may also come under this type of mechanism. It is pointed out that the Task Force identified programs or resources necessary to satisfy the United States' trust obligations as created by the Hawaiian Homes Commission Act of 1920. This is a similar trust as identified on page 27 of the Draft Section 2 (a) which states certain land (ceded) were held in trust for the people of Hawaii. The people of Hawaii were surely native Hawaiians or included them. If only because they had been inhabitants from time immemorial and had vested rights to all of the lands of Hawaii as identified by the Mahele of 1848. Something that no other resident of Hawaii could also claim except a native Hawaiian.

SUMMARY

1. The proposed legislative package suggests a billion dollars over a period of ten years at 100 million each year. This is a short term solution. It is probable that such a volume of money literally thrown at native Hawaiian problems maynot have long term benefit. It is entirely possible that the native Hawaiian community will be unprepared to effectively use such a sum. A billion dollars is not the best solution.

2. A billion dollar settlement would mean the majority of native Hawaiians would be obliged to involuntarily sell their homeland. However, it is clear that land and income from the use of land has been more beneficial to native Hawaiians. Existing examples are the DHHL, Kamehameha Schools and the Liliuokalani Trust that provide services to native Hawaiians. The recommendation here is the subject of Section 4 dealing with conveyed lands, Section 5 provides alternatives for such lands. Because the subject land was seized from native Hawaiians it should be returned to them when no longer used or needed by federal agencies predicated upon their equity.

3. Based on more recent recommendations to the congress that federal usage of DHHL properties be compensated for at prevailing rates, then, those lands still occupied by federal agencies should also be compensable to native Hawaiians likewise.

4. An exception might be Pearl Harbor under the terms of the Reciprocity Treaty renewed in 1887. Compensation for the use of the harbor afforded certain immunities and priveleges to Hawaii and its citizens who are native Hawaiians today. It is recognized that in certain quarters it is felt that Pearl Harbor was ceded to the U.S. in the treaty of 1887. However, Kalakaua executed the renewed treaty with the understanding that it (the treaty) provided no subrection of sovereignty over the harbor itself.

In terms of the Reciprocity Treaty, its intent has been recognized over the years since the Mckinley Tariff Act of 1892 levied fees on Hawaii sugar and influenced the overthrow of 1893. That is sugar recieved special treatment, first into the U.S. without taxation and then provided with price supports, granting the same effect, up until 1974 when congress allowed the Sugar Act to expire after 40 years of price support and sugar fluctuates on the world market. In this respect, the Jones-Costigan Act of 1934 threatened Hawaii sugar and spurred another statehood movement to protect sugar. Therefore for native Hawaiians the Recirocity Treaty may still be considered in operation for their benefit as first implemented. In recent years sugar price support has been restored and most recently for the next five years by the Reagan Administration beginning 1986 to manipulate import controls so that domestic sugar is protected.

5. With respect to the ceded lands now conveyed to the state in 1959. Because a census indicates there are about 170,000 native Hawaiians in Hawaii, and an estimate is some 30,000 to 40,000 live outside Hawaii, there could be about 200,000 native Hawaiians. This equates to one-fifth the state's 1,000,000 population. In search of a solution, it can be proposed that native Hawaiians should be awarded some 800,000 acres of land in total from the state's 4.1 million acres or one-fifth the homeland. If DHHL is subtracted, that would mean 200,000 from 800,000 leaves 600,000 acres from federal and state inventories. It is anticipated that much of this land maybe or will be in conservation for future use and remain protected. This approach may best provide housing for native Hawaiians they are in need of but are unable to obtain under present development standards.

Such standards as are outlined in the publication, LAND AND POWER in HAWAII. Few if any native Hawaiians have participated in the speculative dividing up of their homeland.

Another approach might be the following. Based on the previously cited HEARIGS, 98th Congress 2nd Session containing the native Hawaiian claim record, it can also be found on page 133 the graph of how the Mahele of 1848 divided up the kingdoms lands. The natives or commoners were designated 1,366,666 acres of the toatl 4.1 million less 28,000 that had been previously awarded. This graph or diagram is identified as Diagram "B" and attached. Interestingly this is the identical amount of public land existing today that was first ceded in 1898. This further suggests the lands ownership. The history of these lands might best be understood by reviewing pages 109 to 128 of the HEARINGS that name those lands (ahupuaa) granted by Kamehameha III. Approved by an Act of the Privy Council on the 27th day of April 1845.

At the time, native Hawaiians comprised 90% of the 14,217 registered electorate just prior to the 1893 overthrow. Certainly this majority could determine the proper disposition of these lands in which they had an interest of record but were denied the privelege by a show of force. Since then native Hawaiians have been consistently denied the opportunity to participate in the disposition of these lands by various mechanisms. However, they as native Hawwiians might determine the disposal of these lands today by means of a registered electorate. Because they have been denied the subject lands and benefits from them they should be compensated for past oversights in an appropriate amount. Reparations in this case maybe a proper approach. Or restitution might be made for this retroactive loss. Restitution because what has prevailed, has been largely assumptions based upon quit claims of subsequent land transfers and the original interest never satisfied. Even the conveyance of lands in the Admissions Act to grant satehood can be subject to compensable native Hawaiian claims. Such claims the U.S. maybe obliged to support having accepted the ceded lands in trust and creating a partial further trust out of them by the Native Hawaiian Rehabilitation Act of 1920 to serve only those of one-half or more blood as a precedent.

The Resolution of Annexation is a treaty for native Hawaiians where the federal government accepted responsibilities of a trust. The Resolution pertained to the assets of the Hawaiian kingdom and its citizens of native ancestry principally. In Article II thereof the income from the lands were to be used for the educational and public purposes of the inhabitants. The inhabitants must be the citizens of Hawaii who are largely native Hawaiians who are the only ones with vested rights to be satisfied. Article II further states that while the Republic ceded so-called public lands they were not public lands in the U.S. The assumption can be made is they are not public then they are private or have a private equity interest accruing to native Hawaiian inhabitants by the Mahele of 1848. All the land divisions of Hawaii can be traced to the Mahele, there were no land divisions and no other authority. Only if the natives posessed the fee interests could that interest be conveyed to any other native or non-native. Only the natives could approve a transfer of their interests or if they had given their consent to the Republic could that interest be transferred. This did not occur and therefore their trust lands conveyed in the Admissions Act of 1959 (Statehood) means the Act should be repealed or some restitution made.

The point is, if native Hawaiians today cannot enjoy a 20% share of all of the lands of Hawaii and preserve it for future generations then they might seek to have it all (ceded lands) declared "Indian country". Twenty percent of Hawaii's 4.1 million acres is much less than those lands wrongfully conveyed by the Republic before and after the Annexation of 1898. The ceded lands can qualify as "Indian country" and that designation can be sought. Provided the 20% lands were retained by natives and their present value examined or questioned, that would be for the deprival and damages thereon sustained.

There is a definition of "Indian country" in the Felix Cohen Handbook of Federal Indian Law.

...The term means...

(a) all land within a reservation, or the homeland.

(b) all dependent territory, the ceded lands, that were not within a state.

(c) all native allotments, the titles which have not been extinguished. (page 27.)

During the 1850's, "Indian country" meant any land set aside under federal protection for natives and applied to both communally-owned and private lands of natives (Page 34) As an example, after the U.S. had paid the Republic nearly $4 million in the annexation process, or paid as in a purchase, then there should have been negotiations with the native Hawaiians for their interest in the lands of Hawaii. This did not take place. However, this is how the Louisiana purchase was made with France. After France was paid for Louisiana, negotiations followed to buy out the "Indian title" then reservations were established for the nations involved. One avenue for settlement in the present proposal might be then, to pursue "Indian title" or Indian country" status for a resolution of the issue under established practises and precedents.

To expand on the issue of native Hawaiian deprival and damages is the following. Land or residential land in Hawaii as previously pointed out has an average value of $10.18 per square foot. That would equate to some $437,000 per acre at 43,000 square feet per acre. Further the federal government retains some 400,000 acres, at $430,000 per acre, a hard to realize potential value of $172 billion is arrived at. To be conservative, if the federal 400,000 acres had a value of $1 billion per 100,000 acres for the 400,000 acres would total a modest $4 billion. The income on this $4 billion at 6% might total $240 million per annum. It is evident a potential income could be substantial to native Hawaiians, however, they have not recieved that kind of compensation if anything, over the years the issue has remained unresolved. This conditions leads to the proposal that native Hawaiians be awarded 20% of the total lands of Hawaii and their homeland. This 20% is also arrived at because there are about 50,000 native Hawaiians of 50% or more blood. That means about one-fourth of the total natives out of 200,000. The 50% or more native has a program, DHHL to service that category with 200,000 acres of land. This program should remain untouched in anyway. To be consistent it follows that those of less than one-half blood might be awarded 600,000 acres for their purposes to avoid discriminating. The DHHL properties of 200,000 acres then added to the 600,000 acres for the less than half-blood then totals 800,000 acres or 20% of the total 4.1 million acres of Hawaii. This solution might eliminate or minimize the outlay of funds from the governments and a goal that would be desirable.

In the event the 20% must be purchased back from private or government sources, then a system of payments can be arranged. If from the federal inventory, those might be surplus lands. If from the state,(ceded lands) a percentage of the income from those lands might apply towards purchase to some total amount. If from the private sector, then the federal grants in aid source or some similar source be used to purchase those lands for the 20% total native inventory. It is unlikely that any lands would be donated to this pool from sources that have benefitted from the use of native Hawaiian lands, but that might be a consideration. This approach would likely avoid any future litigation by native Hawaiians for the use of their lands without compensation. Little used islands or lands can be included.

An alternative consideration in this instance is the NATIVE ALASKAN SETTLEMENT of 1971. Alaska became a state in 1958 without determining the right of the natives to the land versus the state. A similar event in Hawaii in 1959. A huge 700 plus page report threatened to gut the Alaskan statehood act of 1958 and spawned the settlement act of 1971. Based on population, Alaska has about 400,000 residents. Natives represent about 10% of the total population. The huge 700 page report resulted in the settlement of 1971 to award 10% or 40 million acres to natives out of the state's nearly 400, million acres. While the number of acres credited to or alloted natives far exceeds what can be done in Hawaii, this activity suggests the Hawaii statehood act may well have to be amended.

6. At present, the state is pledged to provide 20% of the ceded land revenues to the native Hawaiian community via the Office of Hawaiian Affairs (OHA). This 20% ceded land income is a similar arrangement to the percentage proposed for lands to be awarded and retained by native Hawaiians who are denied access to DHHL properties under the present guidelines. After native Hawaiians are allocated a total 20% of Hawaii's lands,the remainder ceded in 1898, should be subject to the present 20% income figure due OHA. The remaining lands approximate 1.3 million acres of the 1.7 ceded in 1898. Relinguishing these lands or claims to ownership of these lands will be compensated for by a 20% income from them. The division of all lands should be made on the basis of comparable worth. In essence native Hawaiian might acquire between 3 to 400,000 acres from the state's inventory and surrender the rest while retaining 20% of the income thereon. This income tied to the economy as areasonable form of computation on compensation.

7. As earlier pointed out (Senator Spark Matsunaga letter) or for those lands under DHHL administration, some aspects can be examined. The policy of DHHL has been beneficial to native Hawaiians although there has been a lack of sufficient funding to carryout the mandate it is charged with. Beneficiaries of DHHL do not have to consider the cost of land which is a large part of a home purchase in Hawaii and means a home can be acquired for considerably less than otherwise. Depending on the source of a loan the interest rate can be below prevailing rates. The lease rental of the land is a nominal $1 per year for 99 years or theoretically a lifetime. Even with these advantages

homeownership has eluded many native Hawaiians. The reason has been scarcity of financing for home construction and improvements. It is proposed that a program be instituted to have all home loans be guarranteed by the federal government and the DHHL on these inalienable lands. Lenders maybe more inclined to finance all of the homes expected to be built in the DHHL acceleration program. Loans made in this proposed program should be by conventional practises of qualifying and repayment schedules. As a part of the NATIVE HAWAIIAN STUDY COMMISSION effort,native Hawaiians might be encouraged to seek home ownership by this proposal from DHHL properties. Unlike the proposed legislative package billion dollar grant, this proposal is a repayable loan guarrantee. This type of proposal may offer the best long term benefit for native Hawaiians towards rehabilitation and self sufficiency as opposed to a probable short term billion dollar grant.

37

EPI·LOUGE

In the see-saw relations effect between the U.S. and the kingdom of Hawaii, then the Provisional government, to be followed by relations with the Republic of Hawaii, succeeded by the Territory and finally the State of Hawaii, some results can be examined.

In each step some attrition of native Hawaiian resources takes place. In the process of these relations the U.S. recieved military sites without cost. The Republic oligarchy retained and increased its holdings of plantations and corporations. The State of Hawaii was granted in 1959 the public or former Crown and Government lands of the native Hawaiian people without cost. Each participant of record was to divide up the native Hawaiian realm for benefit.

Conversely, the native Hawaiians in these activities were betrayed and their interests sacrificed to the benefit of all others. In most cases they would recieve nothing for their interest in their homeland. Except to suffer introduced diseases and general population and health decline to the lowest denominator.

Hawaii has served as an important military outpost for many generations in several wars and principally during World War II. It has been in the foreforont of military operations and the only U.S. soil attacked by an enemy.

While Hawaii has been good for the U.S. and its 230 million people the opposite has not been true, and the native of Hawaii have been largely by-passed and ignored.

HPACH
919 4th Street
Pearl City, Hawaii 96782

August 7, 1989

Daniel K. Inouye, Hawaii, Chairman
John McCain, Arizona, Vice Chairman
and Committee Members ,
United States Senate,
Select Committee On Indian Affairs

ALOHA Kakou,

My name is Richard Pomaikaiokalani Kinney. I come here today to testify as a concerned citizen of this State and Country, as a Native Hawaiian Descendant and as SOVEREIGN of the Hawaiian Political Action Council of Hawaii. HPACH is a Sovereign Native Hawaiian Council that is separate and independent from the State's executive branch and all other branch of governments. HPACH is not registered with the State or Federal governments. HPACH does not submit or receives any type of grants or fundings from the State, Federal or from private sources. HPACH is SOVEREIGN.

The Native Hawaiian People, from the purest of the blood, 100%, to the least, are the wealthest "BENEFICIARIES" in this State.

The Native Hawaiian People are "BENEFICIARIES" to the "KAMEHAMEHA SCHOOLS/BERNICE PAUAHI BISHOP ESTATE", the QUEEN LILIUOKALANI TRUST", the KING LUNALILO TRUST", the QUEEN'S HOSPITAL" and the QUEEN KAPIOLANI HOSPITAL". These trusts were founded when Hawaii was a Sovereign Nation concerned about the future of its People, the Native Hawaiian and the General Public.

Today, the Native Hawaiian People are "BENEFICIARIES" to 98% of the State's government lands. These are lands of the "HAWAIIAN HOMESTEAD TRUST" and the "PUBLIC LAND TRUST".

The problem facing the Native Hawaiian People today is ONE and VERY SIMPLE, "POLITICS"!

Today's political make up of this State is 99% Democrat with the Hawaiians in the "Decision Power Making Seat"!

The Governor is Hawaiian
The President of the Senate is Hawaiian

Many of the Legislative Committee Chairpersons are Hawaiians
The Hawaiian Homes Commission Chairperson is Hawaiian
All of the Hawaiian Homes Commissioners are Hawaiians
Many Trustees of the Hawaiian Trusts are Hawaiians
The Administrator of the Office of Hawaiian Affairs is Hawaiian
All of the Trustees of the Office of Hawaiian Affairs are Hawaiians elected by the Native Hawaiian People

It is the deliberate lack of some of the State's leaders, Hawaiians, to implement the laws that they all swore to uphold as leaders of this State and Country.

Infact, many times in the past, the State's Administration and its agencies, have lobbied against legislative action to properly implement the laws of this State and Country dealing with the constitutional right of the Native Hawaiian People.

For instance, in the 1988 Legislature, Senator James Aki introduced a Senate Bill that would have cleaned up the language of Chapter 10 in the area of the 20% revenues of the Public Land Trust for the Office of Hawaiian Affairs.

The Governor's Office and the Office of Hawaiian Affairs lobbied against this bill. The Senate passed this bill 25-0.

The Senate didn't pass this bill because Senator Aki and I did the reshearch on this bill. The Senate passed this bill because, the bill was within the mandate of the Hawaii State Admission Act! The Governor's Office and OHA was able to kill the bill in House Committee.

This bill would have given OHA $150-200 Million a year to use for both of it's beneficiaries, the Native Hawaiian and the Hawaiian.

This is just one area where the "Political Power Decision Making Body" lobbied against legislative action implementing State and Federal's Laws in regards to the constitutional rights of the Native Hawaiian People.

I speak against any change at this time to the present definition of a Native Hawaiian in regards to the Hawaiian Homestead Act and the Public Land Trust for two reasons: one, the Hawaiian Homestead Trust is the smaller of the two Trusts. Implement the present law and place the 40,000 plus qualified Native Hawaiians on the Homestead lands FIRST!! Two, the Public Land Trust is the larger and wealthest of the two Trusts. Direct the State to take Legislative action to implement the intent of the Hawaii Admission Act.

I recommend to this committee that a "BREACH OF TRUST" law suit be filed against the State of Hawaii for its corrupt mismanagement of the Hawaiian Homes Trust and the Public Land Trust. You have the power of the law, use it!

The raping of the wealth of the Native Hawaiian Trusts by the State for the last thirty years have to come to an end.

Give us "JUSTICE", NOW, its your duty.

Thank You Very Much for allowing me to testify this morning.

"HANA LIKE KAKOU NO HAWAII"

Richard Pomaikai Kinney

Richard Pomaikaiokalani Kinney
SOVEREIGN, HPACH

To: Senator Daniel Inouye, Chairman, Senate Select Committee on Indian Affairs

From: Lindsay Kane, Post Office Box 762, Honolulu, HI 96808, 24 July, 1989

Subject: Testimony for the Hawaiian Homes Commission Act of 1921 Oversight Hearings of the Senate Select Committee on Indian Affairs

I have been on the Hawaii State Department of Hawaiian Home Lands waiting list, for the island of Hawaii, since 1986. I am concerned because I don't want to wait 15 to 20 years to receive land. At the time I applied, I was told by DHHL employees that if I applied for land on Hawaii I would receive an award within three to five years. At the July 22, 1989 Oahu Civic Club seminar the DHHL deputy director, John Rowe, stated that the most recent land award occurred in 1986. Why has there been no land awarded during the last three years? They say their emphasis has shifted from awarding land to providing infrastructure. I don't think this is right.

For the past eight years I've lived on a boat anchored in Keehi Lagoon. I use solar panels, a generator, and propane to meet my needs. When I lease Hawaiian Home land I want to continue living without Hawaiian Electric. In addition, I plan to develop a water catchment system and to live as self-sufficiently as possible. Eventually, I'd like to establish a truck farm. For example, I'm interested in growing chocolate, vanilla beans, and a variety of crops on a small scale, using biodynamic/French intensive methods

Mono-cropping and dependence on infrastructure is a backward approach to land stewardship. Forward-looking ideas include sustainable farming, diversified regenerative agriculture, and renewable energy sources. Dependence on infrastructure is a yoke around one's neck. I think the Senate Select Committee should address the potential of small farms utilizing alternatives to fossil fuels. Also, the Committee should address those who choose to live without infrastructure because the DHHL has not done so.

I am a carpenter, a member of Local 745. If I could get some land I would begin to build my farm with my own hands, bit by bit. I do not plan on borrowing money. I do not want to live in a suburban house surrounded by cement and infrastructure, nor do I want to lease a large tract of land suitable for mono-cropping. My life and my values exemplify an "alternative life-style," one which I think informed persons will see value in because it involves a reciprocal relationship with nature, it encourages self-sufficient communities, and it promotes diversification of Hawaii's economy.

Above all else, I am requesting the Senate Select Committee to find the answer to one question for me: Approximately what year will I be offered land to lease? When I asked this question at the Oahu Civic Club seminar the panelists, including John Rowe, laughed. Finally, Mr. Rowe answered, "a long, long time." I don't find this question at all humorous. With modern computer databases and spreadsheets is it not a reasonable request to learn the year I may expect to be offered land? The DHHL had projections at the time I applied, three years ago. What has happened to change this in the meantime? Infrastructure?

Another aspect of DHHL application policies I'd like cleared up is: When I applied in 1986 there were only three homestead catagories available--residential, agricultural, and pastoral. I want to apply to homestead a small farm. Instead, following DHHL employee recommendations and instructions, I am signed up to wait for two separate homesteads--one residential and one agricultural.

Finally, I am requesting that the Senate Select Committee monitor the DHHL "waiting list," and, if possible, make it public. I overheard John Rowe say he's number one on the list. If the Deputy Director of DHHL is number one, who is number two? Clearly, there are (and have been (see testimony of Sonny Kuniho)) irregularities in the "waiting list." Therefore, I'd appreciate it if the Senate Select Committee would help native Hawaiians, like myself, see the waiting list, let the sun shine on it, and correct the irregularities. Moreover, I want to be informed of my placement in the "waiting list."

In conclusion, I am asking for the Senate Select Committee to discover: (1) Why the DHHL "waiting list" is at a standstill; (2) Why said list has been at a standstill for three years; (3) When land will begin to be awarded; (4) During what year can I expect an award of land; (5) Can I lease land without infrastructure; (6) Can I apply for a small farm plot, rather than for separate residential and agricultural homesteads; (7) Why is the DHHL Deputy Director number one on the waiting list; (8) Can the DHHL waiting lists be made public.

Doveline F. K. N. Steer
618 Paopua Loop
Kailua, Hi 96734
July 21, 1989

Waimanalo Hawaiian Homes Association
O/O Mr. Anthony Sang
P. O. Box 353
Waimanalo, Hi 96795

Dear Mr. Sang;

My name is Doveline Fyfe Kaaloalaikiki Notley Steer, I am also known as "Tootsie" Notley. I have been a beneficiary on The Hawaiian Homestead Land waiting list for seventeen (17) years, yet to receive a land assignment.

I would like to be present with the other beneficiaries like myself, who have been invited by Senator Daniel K. Inouye to appear and to testify before him and his Committee on Indian Affairs, on Monday, August 7, 1989 from 3:00 P. M. to 4:00 P. M. o'clock at the State Capitol Auditorium.

I was instructed through the "Ka Wai Ola O Oha" by Lurline McGregor, that I must schedule an appointment with you, inorder to testify before the senator and his committee.

Sincerely,

Doveline F. K. N. Steer

Doveline F. K. N. Steer
618 Paopua Loop
Kailua, Hi 96734
7 August 1989

Senator Daniel K. Inouye
Prince Kuhio Federal Building
Room 7325, Honolulu, Hi 96850

Dear Senator Inouye;

According to my birth certificate I am registered as being Hawaiian. My biological parents are also registered as Hawaiian. On 10 May 1972 I applied for a parcel of Hawaiian Homestead Land with a preference for Waimanalo on Windward Oahu.

Whenever I received inquiries from The Hawaiian Homestead Land Office I always returned the inquiries with positive answers. After seventeen (17) years of waiting, I still want the homestead land to which I am entitled.

I was informed that my original 1972 application had been lost or misplaced sometimes during Billie Beamer's tenure in office as Director of The Hawaiian Homestead Lands. I returned to The Hawaiian Homestead Office on Halekauila Street to reinstate my original request for a parcel of land.

Now, I wish to be certain that my name retains its original position on the waiting list based on the date of 10 May 1972, and, not on the date of the reinstatement.

MAHALO,

Doveline F. K. N. Steer

The Pahe'ehe'e Ridge Association
1505 Alexander Street, #505
Honolulu, Havai'i 96822

It has been a very difficult exercise trying to document our activities as an Association. Quite probably, we are too close to the situation to be thoroughly objective. The chronology is by no means complete. Though some of the activities and events in our chronology may seem superfluous to specific observations and applications, they are included to convey the feelings as well as the facts of our experience. The chronology begins with the announcement of awards at Lualualei, O'ahu because that is when we first began our efforts, albeit individually, to possess and husband this land. The formation of the Pahe'ehe'e Ridge Association is the result of our many individual efforts. This association is capable of much more than the simple statement of our purpose.

Our membership represents about forty per cent of the total number of awardees at Pahe'ehe'e Ridge. It represents the best that Hawai'i has to offer in desire, motivation and ability.

The Association is an example of the effectiveness of the Management By Islanders farm business class begun by Paige Barber and Mark Suiso. That class provided the inspiration and catalyst for the formation of the Pahe'ehe'e Ridge Association. Legal advice and guidance through the legislative process, contact with Hawai'ian organisations have been provided by Mililani B. Trask, Executive Director of the Gibson Foundation and Kia'Aina of Ka Lahui Hawi'i. Information on Federal and State funding programs have been provided by Christine Valles, Grant Specialist, Office of Hawai'ian Affairs.

To husband and homestead our land is our primary goal. We hope that this record of our experiences can help to further our cause.

O au no, me ka oia'i'o, . . .

Charl M. Kaiai

Charles M. Ka'ai'ai, President
The Pahe'ehe'e Ridge Association

Chronology of Activities and Events at Pahe'ehe'e Ridge

August 4, 1985--Newspaper announcement of agricultural awards at Lualualei, O'ahu on Pahe'ehe'e Ridge.

March 22, 1986--Agricultural parcels on Pahe'ehe'e Ridge awarded by Department of Hawai'ian Home Lands.

August 22, 1986--Agriculture/Farm Business classes for DHHL agricultural lease awardees proposed, to be coordinated by Management By Islanders (MBI), a non-profit corporation, with the assistance of Leeward Community College and Alulike. Two semester project proposed to prepare Hawai'ian farmers for agricultural production, to teach agricultural, and prepare farm business plans.

October 2, 1986--MBI farm classes begun. Mark Suiso and Paige Barber to coordinate and lead classes. Attended by awardees from throughout the state. The future officers of The Pahe'ehe'e Ridge Association in attendance.

November 15, 1986--DHHL leases signed, to be effective November 1, 1986, seven year moratorium on payment of property taxes begun. If property is not in agricultural production taxes will be assessed at higher residential property rate.

January, 1987--Leases for parcels at Pahe'ehe'e Ridge not received. Leases needed to apply for essential services, e.g., Soil Conservation Service planning, Board of Water Supply service. Seven phone calls needed to locate leases, five times told that leases are in the mail. January 30, 1988 told that leases have been signed by the Director but being held up for congratulatory letter.

February 3, 1987--MBI classes Spring term begun. Technical and Business development of plant agriculture is scheduled as the curriculum. Core of Pahe'ehe'e Ridge Association forming and formulating plans for agricultural community. Agricultural production and processing (storage, processing and distribution) is seen as viable basis for a community. Water service is a major priority.

February 20, 1987--Water service applied for on an individual basis. Service denied. DHHL did not submit a master plan for subdivision approval showing water system improvements as required by Board of Water Supply. DHHL, as developer, is responsible for improvements.

February 18, 1987--Met with Mr. Stratford Whiting of the Soil Conservation Service to apply for a soil conservation plan. Preliminary request made without lease.

February 27, 1987--Ombudsman called regarding delays in receiving lease. Sandy Asato of DHHL returns call. My lease is in the mail, delayed because of error in designation successor. I asked for policy covering this event. DHHL would go to next properly listed successor anyway.

March 3, 1987--Meeting with Stewart Matsunaga of DHHL. Question and answer session, some policy questions answered. No date set for improvements for Pahe'ehe'e Ridge. DHHL reorganising.

March 5, 1987--Meeting with representatives of Service Engineering of the Board of Water Supply. Process begins with submission of a Master Plan for subdivision, legally, Pahe'ehe'e Ridge is still divided into four parcels not the seventy-two parcels shown on the DHHL map (How will taxes be assessed?). The developer is responsible for water source development and water system development. Board of Water Supply is willing to provide service as soon as the developer (DHHL) provides those improvements.

March 7, 1987--Meeting with Bank of Hawai'i farm loan officer. He explained loans available to farmers, how to apply, how to qualify, loan to value ratio, acceptable collateral, projected crop value as collateral. Need an operating farm to qualify, track record as a farmer. A degree in Tropical Agriculture can be used in lieu of experience.

March 14, 1987--Met with Senator Rick Reed conderning State and DHHL plans for capital improvement or infrastructure improvement of unimproved Hawai'ian Home Lands awarded during the DHHL acceleration of awards program. Result: No pending legislation.

March 21, 1987--Met with Big Island Decorative and Potted Plant producers. Good opportunity for profit in field stock. Potted plant producers need stock to be able to provide finished products to market. Small farmers grow desirable plants (many can be provided by the potted plant producer) directly in the ground, producers will pay for cuttings by the foot, i.e., Massangeana, dracaena, ti. Cuttings are treated and grown in ten-inch pots to Department of Agriculture sterile requirements, then marketed as finished product. Risk: demand can change quickly.

March, 1987--Enrolled in Pesticide certification class, necessary to purchase and properly use pesticide products for farming.

April 4, 1987--Met with Ilima Piianaia. Discussed policy and goals of Department of Hawai'ian Home Lands. DHHL reorganising and will prioritize subdivision development. Will not prevent lessees from making improvements on their parcels subject to the conditions and covenants of their lease. Pahe'ehe'e Ridge lessees asked for one water meter and outlet to serve the proposed Pahe'ehe'e Ridge subdivision and offered to form an association to pay for and manage the source of water. By having just one source some of us could begin homesteading and, with difficulty, actually start farming. The Chairwoman felt that this was a good request. We further asked that this source be put on one of the smaller lots that was not awarded and our, as yet hypothetical, association be granted the lease. This request was also received positively.

April, 1987--Financial and legislative alternatives explored-financing not available without capital improvements and infrastructure improvements, financing not available without experience or track record, no legislation pending, legislation initiated by DHHL, home financing possibly available through DHHL. We must work closer with DHHL.

May, 1987--Business plans worked on with MBI farm class.

June, 1987--Soil Conservation Service called regarding Pahe'ehe'e Ridge subdivision's soil conservation plan. Preliminary plans for some parcels are ready and available, major problem is lack of water service necessary for dust control when grading and grubbing.

July 8, 1987--Draft of business plans due for MBI class. Polishing and corrections performed. A major goal of the class is achieved and the class is disbanded. Individuals and groups will continue toward another major goal, that is to actually gain possession of and actually farm some land.

August, 1987--Soil Conservation Service called regarding Pahe'ehe'e Ridge-no record of requests for Soil Conservation plans.

August 15, 1987--Conkling and Louise Mckee canvas awardees, with help from DHHL, to form an association. Meeting scheduled for 10:00 A.M., September 12th at the Wai'anae Library.

September 12, 1987--Meeting held, decision to form an association made. Officers nominated and a ballot was drafted. Problems and major concerns discussed. Thoughts and ideas shared. Twenty awardees respond for membership.

October 24, 1987--Officers elected: Charles M. Ka'ai'ai-President. Sherwood Kaopua-Vice president, Tylette Farquhar-Secretary-Treasurer. Priority list adopted. The primary goals and objectives of the association was codified; 1. Membership-Increasing our membership will always be the top priority. The association is formed to protect and further the interests of our members to farm and homestead Pahe'ehe'e Ridge. 2. Infrastructure development-The association's total effort will be to provide the necessary capital improvements at Pahe'ehe'e Ridge so that our members will be able to husband, homestead and farm their farm lot. 3. Home Financing-When the time comes, the association will aid the membership in finding, applying for, qualifying for and securing financing for their home.

November 4, 1987--Contacted Claudia Shay of O'ahu Self Help. Financing available if infrastructure improvements completed. Funds for development may be available if one hundred per cent of lessees applied for and qualified for financing. Mortgage would consist of the cost of the home plus a portion of the development cost.

November 18, 1987--Letter sent to DHHL announcing our intention to form an association.

November 21, 1987--Association meeting, Sherwood Kaopua explained process and guidelines by which a proposal from an association is processed into a disbursement of funds from DHHL. Project proposal committee formed to write and present proposal to DHHL. Goal is 1989 legislative session. Constitution deemed not necessary at this point. A statement of purpose will suffice. The association is formed to protect the interests and rights of our membership, to develop the Pahe'ehe'e Ridge subdivision and promote farming and homesteading. If needed, a constitution can be adopted from another homestead association. A formal name is adopted--The Pahe'ehe'e Ridge Association. Louise Mckee shared her experience in dealing with the Soil Conservation Service and Board of Water Supply.

December 12, 1987--Association meeting, no report from project proposal committee. Incorporation discussed, non-profit or cooperative, now or later. Recommendation: unless definite need for incorporation exists, incorporation is not indicated. Committee formed to be ready when incorporation is indicated.

January 9, 1988--Association meeting, spoke to Glen Teves of Moloka'i, active in homestead association and community organising. He praised our efforts and made some recommendations. He favors a cooperative, as opposed to a non-profit, corporation. Members of a non-profit corporation cannot gain materially from the efforts of the corporation but again this would be decided by necessity at the time of incorporation. Glen recommended that, in the early stages of organising, we not meet so often. Scheduling meetings too often will lead to membership burn-out. He recommended that we meet annually and and when events and activities indicate a need for a special meeting to be called. He further recommended that meetings of officers and committees be done on an as needed basis. Eric Poohina will submit legislation through Senator Aki for agricultural water to our subdivision in the 1988 legislative session.

February 3, 1988--Senate Bill number 2993 submitted by Eric Poohina. Bill asks funds to develop an agricultural water system at Pahe'ehe'e Ridge. Hearing scheduled for February 23, 1988.

February 23, 1988--Hearing for S.B. No. 2993. The Pahe'ehe'e Ridge Association submits letter of support. Chairwoman Piianaia of DHHL testifies against the Bill. Bill is defeated.

April 11, 1988--Contacted DHHL regarding infrastructure improvements at Pahe'ehe'e Ridge. Referred to Darryl Yagovich.

April 20, 1988--Met with Darryl Yagovich, Sandy Asato and Stewart Matsunaga concerning timetable for Pahe'ehe'e Ridge and our relative position on priority list. Pahe'ehe'e Ridge not a priority and DHHL cannot commit. DHHL will not prevent lessees from making improvements to their lot within the conditions and covenants of their lease.

April 25, 1988--Contacted the Soil Conservation Service regarding possibility of getting a Soil Conservation Plan for the entire subdivision. New District Conservationist is Lawrence Yamamoto. This is a new idea, SCS normally works with individuals. He recommends that a written request be made.

April 28, 1988--Board of Water Supply called regarding regulations governing delivery of Water Service. Is there a possibility of getting water service based on existing subdivision plan? Written request recommended.

May 2, 1988--Hardy Spoehr contacted at DHHL. He will send information regarding incorporation.

May 10, 1988--Letter sent to members of the Association apprising them of our efforts and activities.

May 11, 1988--Letter sent to Soil Conservation Service and Board of Water Supply requesting service. The request is made as an Association.

May 13, 1988--Contacted by Pat Pine, Association member, in response to letter of May 10, 1988. He is willing to pay the cost of one meter if we can get water service.

May 27, 1988--Received workbook with by-laws and articles of incorporation and a commitment of assistance from Hardy Spoehr of DHHL Planning office. Information transmitted to Louise Mckee of incorporation committee.

June 3, 1988--Letter received from Board of Water Supply denying water service.

June 17, 1988--Letter received from Soil Conservation Service with a commitment to assist in comprehensive soil conservation plan. We will need assistance of DHHL to fulfill SCS requirements.

July, 1988--Contact made with Mr. George Hiu at Board of Water Supply. Spoke to him at length about our problems at Pahe'ehe'e Ridge. I explained to him that we would be happy to receive any water service that the Board of Water Supply could provide. He looked at our problem and offered a small five-eighths inch line and water meter if we could pay for it. Such a small line would not affect their water service to their other customers. Pat Pine was contacted and financial arrangements made.

July 19, 1988--Letter sent to membership announcing that we would be provided with small water source by the Board of Water Supply. However, when all was set to go, Mr. George Hiu was overridden by his supervisor and we were again denied water service based upon the lack of water system improvements in the subdivision. We received a letter and a flyer from the Gibson Foundation offering assistance in getting infrastructure improvements for our undeveloped subdivision. Contact was made and a meeting scheduled with Executive Director Mililani Trask.

August 1, 1988--Letter sent to membership announcing annual meeting scheduled for 10:00 A.M., August 20, 1988 at the McCully State Library on King Street.

August 8, 1988--Met with Mililani Trask and Reverend Tuck Wah Lee at the Gibson Foundation offices to share ideas and experiences discuss strategies, and explore different avenues available to Hawai'ian Homes Lands lessees. The Gibson Foundation would help us in getting our infrastructure improvements and we would continue in our efforts and be ready to provide help to other homestead associations trying to get their capital improvements.

August 20, 1988--Annual meeting of the Pahe'ehe'e Ridge Association. All officers re-elected for another one year term. Gibson Foundation discussed and accepted unanimously. Association is ready for incorporation as soon as deemed necessary. Report by Frances and Tylette Hun relates degradation of our subdivision. Few lot markers left, subdivision will have to be re-surveyed. Survey road has deteriorated and is all but impassable in some areas. Rocks being removed by unknown perpetrators, they are using four wheel drive vehicles to gather rocks from all over subdivision causing erosion in many areas. Erosion very bad in some areas. There are problems developing with neighbors across the road. They are blocking access, dumping trash and grazing animals in the subdivision. Some lessees have tried to put material and equipment on their lots only to have it damaged or stolen.

September, 1988--Contacted Royal Contractors and Hardesty Contractors, per information received from Gibson Foundation, for cost estimates of infrastructure improvements for our subdivision. Accurate cost estimates necessary in search for funding and financing. They cannot make estimates without engineering specifications and contour maps. Contacted DHHL for engineering specification and maps. Referred to Stewart Matsunaga and Dutch Good.

October, 1988--Stewart Matsunaga informs us that maps are available from Tax Office, but there are no engineering specs available at DHHL. Estimates are based on figures provided by the Department of Transportation, Highways Division, Planning Branch. We request estimates and maps from DHHL. Stewart explains that the estimate does not include cost of engineering, cost of engineering will be about twenty per cent of the estimate from DHHL.

November, 1988--We receive maps of Pahe'ehe'e Ridge from Dutch Good of DHHL and DOT cost estimate for developing Pahe'ehe'e Ridge from Stewart Matsunaga of DHHL. Estimate for infrastructure improvements for Pahe'ehe'e Ridge--$8,253,000 plus twenty per cent for engineering. We now have a number to shoot for. Mililani Trask of The Gibson Foundation contacted for further assistance. Contact made with DHHL, they are again in the midst of reorganising and reassessing priorities. Still no commitment or timetable for infrastructure improvements at Pahe'ehe'e Ridge.

December 8, 1988--Meeting with Ms. Mililani Trask of the Gibson Foundation to share information and discuss possible options available to us.

December 12, 1988--Meeting with Mr. Harold Masumoto of the State Department of Planning, meeting arranged through the efforts Ms. Trask and Ms. Norma Wong of the Governor's Office. We provided Mr. Masumoto a record of our activities and experiences at Pahe'ehe'e Ridge. We asked for whatever assistance that could be provided in achieving our goals. Mr. Masumoto explained some of the workings of the Department of Planning. He expressed that there is no conflict with the use of public funds for the development of Hawai'ian Home Lands. He was concerned that the figure provided by DHHL was much too high and he recommended that we somehow reduce the cost.

December 20, 1988--We contacted the University of Hawai'i, Department of Urban and Regional Planning and spoke to Luciano Minerby. He volunteered to look at our problem in early 1989. He also reminded us that Hawai'ian Home Lands are exempt from County Standards.

January 25, 1989--Called DHHL to speak to Mr. Roy Ah Nee in response to a letter offering assistance to lessees. He could not comment or provide us with a timetable for even the submission of the sub-division plan for approval. He was providing assistance for lessees on reading and interpretting leases and providing lessees with information on FmHA loans.

February 3, 1989--Senate Bill 1104 introduced by Senator James Aki asking for an appropriation of 9.7 million dollars. The money is to be appropriated for infrastructure improvements at Pahe'ehe'e Ridge

February 14, 1989--First meeting with Senator Daniel Inouye. He announced that the Senate Select Committee on Indian Affairs plan to conduct Oversight hearings in Hawai'i to address problems of the implementation of the Hawai'ian Homes Commission Act of 1921. The United States government retains oversight responsibility for the Act. This is a terrific opportunity to make the congressional record. The Department of Hawai'ian Home Lands is invited. We meet presidents of other Homestead Community Associations and other Hawai'ian leaders.

February 15, 1989--Hearings for SB 1104 conducted in the Senate Agricultural Subcommittee. We testify for the Bill. Most importantly, DHHL testifies in support of the Bill. The Bill moves to the Finance Committee of the Senate for action.

February 20, 1989--Letter sent to members announcing the coming Oversight hearings, news of SB 1104, and news of the passing of two members of our association. A meeting is called for Association Officers and Lobbying Committee. Our Lobbying effort is begun.

February 25, 1989--Meeting of the Lobbying committee. A strategy and lobbying plan is formulated and put into action.

March 20, 1989--Meeting with DHHL and the Hawai'ian Homes Commission at Wai'anae Gym. Problems of entire Wai'anae Community addressed. The most important information for Pahe'ehe'e Ridge is revealed. DHHL has received 1.2 million dollars in CDBG funds. They are unsure as to how to use it. The fund cannot be used for Hawai'ian Home Lands without violating federal nondiscrimination regulations. We know, through discussions with Mililani Trask and Christine Valles, OHA grant specialist, that we can use CDBG Funds for certain infrastructural improvements at Pahe'ehe'e Ridge. We have a unique interface with the larger community and water-system improvements will benefit the entire community. Met Hardy Spoehr and Stewart Matsunaga at the meeting and scheduled a meeting for March 29th at DHHL to discuss their planning process.

March 21, 1989--We are invited to the Nanakuli Homestead Associaton regular meeting. It is good to see an active Homestead Association. I introduce myself to Kamaki Kanahele and meet Bob Freitas president of the Papakolea Homestead Association. We learn about the State Council of Hawai'ian Homestead Associations. A new organisation formed to help Homestead associations in the legislative processes. They also will represent Hawai'ian Homestead associations to the State.

March 29, 1989--Meeting with Hardy Spoehr and Stewart Matsunaga. We discussed use of the CDBG funds to benefit Pahe'ehe'e Ridge and the greater Wai'anae community. The fund needs to be encumbered but used in a way that does not violate nondiscrimination regulations and used to further the State and City plans for that area. Water system improvements focused on as a good possibility for use of these funds but there would be a shortage of funds for completion of the project. A decision needs to be made and suitable documents drafted and submitted for approval.

April 13, 1989--We are inducted into the SCHHA (State Council of Hawai'ian Homestead Associations).

April, 1989--SB 1104 passes with 300,000 dollars appropriated specifically for Pahe'ehe'e Ridge. Funds to be available July 1. The funds will be available to DHHL from the Governor's office upon request of DHHL. Lobbying efforts must be implemented to encumber these funds so we can approach the legislature in the coming session to grant us more appropriations. We want to use these funds for starting our subdivision planning.

May 11, 1989--Spoke to Earl Kawa'a of the Hawai'i Housing Authority. Information exchanged about our funding, how to get it, how to use it, how to ask for more. It is essential that we encumber the money right away. Another important note: DHHL is subject to the State bidding process, it could take up to three years for a contract to be awarded.

May 17, 1989--On the recommendation of Mililani Trask Pahe'ehe'e Ridge is asked to address a Seminar of Hawai'ian Civic Clubs. It is an honor and we accept.

May 19, 1989--Meeting with Senator Aki and Earl Texeira. Our neighbors across Pahe'ehe'e Road has formed an association, the Pahe'ehe'e Uka Association. They had met with John Rowe of DHHL and wanted our appropriation to be used for construction of and development of Pahe'ehe'e Road. This is not to our liking but we owed support to Senator Aki for introduction of the legislation. A coalition could be useful for matching funds from the State or for legitimatizing federal funds. We shared the same needs, mail delivery, trash removal, improved access. Historically, coalitions of this type have not been to the benefit of Hawai'ian Homesteaders. We must proceed carefully, never taking our eyes off the prize.

May 23, 1989--Meeting with the Senate Select Committee on Indian Affairs to solidify the agenda of the coming Oversight hearings. Committeeman Alan Parker feels that many problems of Hawai'ians can be moved closer to resolution by recognition of Hawai'ians as Native Americans. Sovereignty and self-determination is not so far-fetched.

June 15, 1989--Letter to association members sent. Our appropriation announced, our coalition discussed, CDBG funding discussed, our official recognition by DHHL as an Hawai'ian Homestead Association discussed, our induction into SCHHA discussed and our place in the oversight hearings discussed.

June 21, 1989--Meeting with Paige Barber and Mililani Trask to finalize the Hawai'ian Civic Club Seminar agenda.

State Council of Hawaiian Homestead Associations
P. O. Box 2132 • Waianae, Hawaii 96792

Chairman
Kamaki A. Kanahele III
Nanakuli Hawaiian Homestead
Community Association Inc.

Vice Chair
[illegible]
Kekaha Hawaiian
Homesteaders Association

Treasurer
[illegible]
Waimea Hawaiian
Homesteaders Association

Corresponding Secretary
[illegible]
Waianae Valley Hawaiian
Homestead Community Assn.

Recording Secretary
[illegible]
Nanakuli Hawaiian Homestead
Community Assn., Inc.

Sergeant at Arms/Parliamentarian
[illegible]
Papakolea Hawaiian Homestead
Community Association

Historian
[illegible]
Keaukaha-Panaewa Hawaiian
Homestead Community Assn.

Director
[illegible]
Molokai Homestead Assn.

Director
[illegible]
Waimea Hawaiian
Homesteaders Association

TESTIMONY BEFORE THE

JOINT COMMITTEE OF THE

U.S. SENATE SELECT COMMITTEE ON INDIAN AFFAIRS

and the

U.S. HOUSE OF REPRESENTATIVES COMMITTEE on INTERIOR AND INSULAR AFFAIRS

from the

STATE COUNCIL OF HAWAIIAN HOMESTEAD ASSOCIATIONS

KAMAKI KANAHELE
Chairman

State Homestead Council Testimony

Mr. Chairman (Senator Inouye), welcome home. Distinguished guest, aloha kakou; Members of the Washington delegation of Native Hawaiian and Hawaiian Ancestry, welcome home; My native American brothers and sisters, welcome to Hawaii; na malihini (visitors and guest), a me na kama'aina (residence of Hawaii), Ano'ai kakou. He Hawaii Keia, This is Hawaii.

Brief History

Mr. Chairman, we come before you today as a native people whose original position of self-governance, once under a sovereign, has been taken away. We appear before your committee as native Hawaiians, the last of a once great nation. Numbering approximately 300,000 at the time of the arrival of the first foreigner to our shores, we are now depleted to approximately 43,000 of those with a 50% to 100% pure blood ancestry. Threats of our extinction are severe. The loss of our identity, culture, and heritage are imminent. The foundation of our rights as a sovereign nation, we were told in 1893, had terminated.

Mr. Chairman, the recognized, great nations of that time, such as Russia, France, Spain and England, planted the seeds that brought our people and our ancient nation into our awareness of the outside world. Each tried its hand at confiscating this kingdom for its own greed and gains. Each tried its hand at undermining the others will in order to prevail. Each wished to implement its own design and become the masters who were to write our instructions. Each dealt with a new and innocent people who had the grace and dignity to welcome all visitors to our shores, practicing the art of giving and sharing with a fervor which the foreigners had not seen before.

The United states also came with a document called the Constitution and a form of government which allowed its citizenry to build and develop its resources in the Hawaiian Nation. At the same time a second wave of their people, with a religious appetite that demanded the saving of all souls, appeared. These two groups with their form of government, developed a stronger and more secure hold on our people, our government, and our lands-- gradually eliminating other foreign competitors over a period of decades.
With an American ship in the harbour and the landing of its Marines in 1893 came the forcible demise of our sovereign government by our so called "ally". With continued support of the revolutionaries against the Hawaiian government and with the sound economic and religious base of the Americans, it was the beginning of the abuse of our people by an American nation whose government was truly skilled in the

containment of native peoples.

Hawaiian Homestead System

In 1921, the United States enacted the Hawaiian Homes Commission Act, 1920. The practice was similar to that of the Allotment Act-February 8, 1887, an indian reservation concept. The results were the same. When the land was distributed, the land that was provided to native Hawaiians was the worst in the island inventory, with no water, arid, on the side of cliffs, impossible to farm and thus provide a living and away from the general population. With the Hawaiian Homes Commissionc Act came no economic, financial, or technical federal support.

In 1959 the new Hawaii, the 50th State of the United States, came into being. The federal government than transferred management and disposition of the designated 200,000 acres of public lands for native Hawaiian homestead use to the new state government. The State of Hawaii adopted the Hawaiian Homes commission Act within its new state constitution. The Act included permission for trust , over-sight by the United States government.

It is estimated that the combined population of both native Hawaiians and Hawaiians falls between 183,000 and 200,000. Of the 43,000, 18,000 are on a waiting list in the

Department of Hawaiian Home Lands. Only 5800 have received lots since the enactment of the Homestead program in 1921. It is estimated that the 5800 waited an average of nine-and-one-half years from application to occupancy. To date, only 33,000 acres have been utilized for homestead use with 155,000 acres assigned through general leases, licenses, executive orders, and other methods. The nearest estimates place the number of native Hawaiians at 43,000, the designation set by the Hawaiian Homestead Act of 1920.

The Department of Hawaiian Home Lands has historically failed to administer our lands well.

The most blatant native Hawaiian injustice recorded in homestead history surely was committed to the native Hawaiians on the 1952 WAITING LIST.

A formal meeting of the Hawaiian Homes Commission was called to establish a priority list for awarding of leases of lots in the vicinity of Waimea, island of Hawaii, on June 11, 1952 at 10;30 am. Seated were:

Governor Oren E. Long
Mrs. Harriet Magoon, Commissioner
Mr. Norman McGuire, Commissioner
Mr. Richard Furtado, Commissioner

Mr. Lyman Bigelow, Commissioner

Mr.. H.A. Wadsworth, Univeristy of Hawaii

Mr. Edward Hosaka, University of Hawaii

Mr. T.Y. Awana, Territorial Surveyor

Flora Hayes, Representative T.H.

Mr. Charles H. Rice

Mr. Arthur K.Trask, representing Hawaiian Civic Club of Honolulu

Mr. Harry L. Powell, Engineer

Mr. Daniel K. Ainoa, Executive Officer

Mrs. Aluli Lyons, Secretary

Mr. Aluli Lyons, Accountant

Mr. Wm. Kuamoo, Clerk

Mr. Twigg-Smith, Advertiser Publisher

Mr. Bud Smyser, Honolulu Star-Bulletin

(Note: see enclosures)

It was emphasized that the Native Hawaiian applicants who were to be selected that day were considered "most eligible and most deserving" of leases. The names were selected from a calabash, with Governor Oren E. Long drawing the first recipient name from the calabash. That day 214 names were chosen to be awarded pastoral, farm and house lots. The first 48 were indeed awarded on June 11, 1952.

As history will show, the list was misplaced. It was later recovered; the government weakly pledged to continue to implement this priority listing. Instead, awards were made on the basis of patronage. An injunction was filed to stop patronage distribution of these lands and to return to the original priority listings. To date, 38 designees are known deceased; they never lived on their lands. Those still alive have formed an organization called THE AGED HAWAIIANS, under the leadership of President Edward Kalama. They continue to pursue their rights.

It is well documented that the historic policies and practices with respect to, the care of the native Hawaiian people, by the State of Hawaii, its legislature, and its policy makers and by the Government of the United States are responsible for the near extinction of our people. Facts and statistics on poor health care and urgent domestic needs abound. It appears that the people who designed policies for native peoples designed bad policies, or never implemented good policies properly, thus, the fruits of their policies have been devastating to a proud people.

State Council of Hawaiian Homestead Associations

(SCHHA)

Mr. Chairman, WE NATIVE HAWAIIANS HAVE AN INTEREST IN SURVIVAL. Both the federal and the state governments have truly "contained" us. We live in a homestead system that no one in Hawaii, government or otherwise, knew anything about at the time it was being conceived. Homesteading was a new concept, even to the americans who practiced it. It was transferred to a people whose total culture was in complete contrast to this form of life style. This effort, it appears, was designed to ensure that Native Hawaiians would fail, die, and disappear. The current model that concerns us on a national level is the mismanagement of the Department of Interior's Bureau of Indian Affairs, resulting in our Native American brothers and sisters existing on reservations where recorded breaches of trust and treaties have devastated once great tribal nations. As native Hawaiians we are concerned about our survival and that of all native peoples of the Americas. We distrust the government that over-sees us because of its history of abusive and manipulative policies. Our positions is confirmed by our ancestors who lived and died by this life style and by we who try to survive it today.

The State Council of Hawaiian Homestead Associatons has as its objectives "to unite the combined efforts of all for the betterment of Native Hawaiian Homesteaders". Our organization is exactly a year old to the date of these hearings. The State Council consists of twenty-three homestead Associations (list enclosed), representing a total of approximately 27,000 native Hawaiians. The Council is recognized as the largest organized native Hawaiian group in the state.

On July 21, 22, 23, 1989, the State Homestead Council met at its Second Annual State Conference in Hilo, Hawaii. Its purposes were to continue its annual business as a Council with priority given towards the preparation of these hearings.

May I take this opportunity to say a special Mahalo to you, Mr. Chairman, for allowing our homestead associations the privilege of being the major part of your agenda.
The testimony of many organizations and individuals have been shared with this distinguished committee for several days now and each statement will be officially added to the federal records, with your permission. The documentation and mana'o i'o of these many people will continue to confirm the plight of we native Hawaiians. The Council wishes to submit to you, for the record, its official positions on a range of issues being considered by your committee today. We also wish to request that all testimony given by any and all Homestead Associations within our membership be considered a supplement to that of the Council's.

On the Question of the Blood Quantum

The Homestead Council feels that the position of the Office of Hawaiian Affairs which seeks a referendum and/or legislation to alter the present definition of "native Hawaiian", is not acceptable. The Council feels that allowing this effort to occur, OHA breached its fiduciary duties to its native Hawaiian constituents. In doing so they also breached their own policies in sections 2.1, 2.8, and 3.4 of the OHA Policy and Procedure Manual which makes clear the definition of "native Hawaiian" and the board's position.

At its Second Annual Conference in Hilo, SCHHA voted to keep the blood quantum exactly as stated in law until such time as would allow a review of a procedure for consideration of lowering the quantum over a period of time (note enclosures).

A Position on Self Governance

For the first time in Hawaiian history, this organized Hawaiian group voted to support a position of "Self Goverment or Self Governance". The Council feels that as native Hawaiians with an ancient land base of 200,000 acres, we do need such a government; we will look toward opportunities of support from both the state and federal government. Examining such an entity, a committee was set up to review such issues as trust relationships with the United States, administration of such trust; intergovernmental relationships with the U.S.; jurisdictional and fundamental powers between entities; federal recognition, and positions of self government and/or self determination. We request support of the Select Committee to assist us in these areas.

The Council voted to continue the ancient system of self government and has proceeded to develop a democratic self-government modeled after that ancient system, as follows:

Present	Ancient
State Council	Alii Nui (Chiefs)
Kupuna Council (Elders)	Kahuna Nui (Priests)
Ahupuaa House of representatives (person elected to represent an island-designated "Ahupuaa")	Alii aimoku (chief posseeing an island or district)
State Homestead Council (All Associations-Voice of the Council as a whole)	Makaainana (commoners)

Departments	Divisions
Legislative	Ke kalaimoku (minister)
Finance	Kuhina waiwai (finance minister)

Economic/Business	Konohiki (Headman responsible for development of lands, fishing, etc.)
Election System (Democratic Process)	Not in ancient system of government.

The 99 year Leases

The State Homestead Council, with its respect for the language of the law, wishes to support the present Homestead Act and is examining a position of holding the lands in trust by a self governing entity. The entity described is one developed from within its own structure. A series of options are being considered, all recognizing the inalienable rights of such an entity and the heirs thereof. We request the committee to assist us in these endeavors. We seek the support of both state and federal governments and other sources to provide us with both financial and legal assistance in this task. We also request the review of an exemption of taxes on Hawaiian Homestead lands for lessees as holders of trust lands.

Federal-State Task Force Report

The State Council (Executive Branch) on March 19, 1989, voted to request the Over-Sight Committee to examine the status of the Federal-State Task Force Report. In the light of the minimal implementation and no plan to carry out the Task Force recommendations, the Council request that the Committee provide judicial review of non-action by the state with regard to any losses incurred in both revenues and real estate, either subsequent to the completion of the Federal Task Force Report or as of this immediate date. We also request a federal planning committee to review and implement those recommendations not completed.

Ceded Lands

The on-going negotiations between that State of Hawaii and and Office of Hawaiian Affairs are not acceptable to this Council, whose membership consist totally of native Hawaiians. Closed door negotiations", on our behalf by OHA, an organization with major efforts to break the blood quantum and thus diminish our benefits, continues to be in breach of the "sunshine laws". We request the committee to examine the laws affecting the 5f trust and its beneficiaries from the standpoint of state government entities negotiating without beneficiary access and participation. We also request federal judiciary review of the commitments made prior to the state's acceptance into the Union and up to the present time, regarding the management of both trusts. The Council feels that too many attempts have been made to break both trusts without consideration and/or participation by its beneficiaries.

Water and Agricultural Issues

When land distribution ocurred for most agricultural and pastoral lots to our people, there was little if any water. The land was arid and rocky with no real potential for making any kind of a living. Today, water in some areas is being diverted to other communities and resort complexes which do not benefit our people financially or economically. Because the DHHL cannot financially support areas that need water or water maintenance, they had to transfer mamangement to state and city governments, thus allowing them privileges that homesteaders do not have and the price for water is raised.
Major conflicts of water management continue.
The State Council request the Committee to review policies on water rights for native Hawaiians on homestead lands, with a view toward recommending financial support for management of our water resources, for water pollution prevention, and for a system of comprehensive planning for and enforcement of our native rights as beneficiaries. We also request a review, with recommendations, for native Hawaiian Homestead farmers regarding access to farm loans and financial support for rural economic development.

Standing to Sue

The protection and defense of native Hawaiian beneficiary rights have been of major concern to the Council. Both trusts that are, by law, to benefit native Hawaiians have been historically inaccessible in the 5f trust and land allotments by DHHL, the majority of the lands have remained in non-beneficiary hands. Breaches of trust have occurred where, prior to Hawaii being admitted into the Union, both federal and state agencies disseminated Hawaiian home lands by "executive orders," not permitted by law without Congressional consent. The State Council request that the Committee review the management of both trusts by state and federal agencies then requests the Committee to submit its findings to the appropriate congressional committees for appropriate action where breaches of trust are found. The State Council requests that a review of our rights to sue in federal courts also be undertaken and that experts on the federal level assist us in allowing this to occur.

Cultural Rights and Concerns

Our ancient native Hawaiian spiritual senses have been passed on to the generations of today. Our senses of the presence of spiritual ancestors are real. The security of the inner spiritual power, called "mana," confirms the authority of man as an entity totally accountable to fellow brothers and sisters and all the natural and living things, from Papa and Wakea, the sky father and earth mother. Where the western concept of spiritual accountability allows for a negotiation to exist to be either believers and nonbelievers. This is not so with the native Hawaiians. The western concept, because of this ability to negotiate, can divide into religious and nonreligious areas. The native Hawaiian believes that 100% of his or her being is "Ha", the breath of life; that is non-negotiable. So it is with his or her spiritual beliefs.

The essence, then, of this belief becomes the foundation on which all things in life are based. From this belief comes the culture, the right to practice that culture, and concern about any diminution of these rights.

Hunting and fishing in order to subsist is a spiritual right of the Native Hawaiian. Without these sustenance, the possibilities of the termination of "Ha", becomes imminent. Unlike the western concept where man looks to the sky for spiritual sustenance and to the earth for material and physical sustenance, both are of equal weight and are in perfect balance. Extend to one more weight than the other and both sides suffer. The suffering occurs today in the abruse of the air, water, and all living things.

This care for all natural things about us requires us to defend our rights as native Hawaiians with respect to the practice of our culture and our heritage. Statistics show that inability to practice our cultural rights have caused a a major diminishing of our race. The State Council request that the Committee review our native Hawaiian rights to practice our culture and spiritual worship through access to traditional religious, or sacred, places, and through participation in all endeavors of those traditional practices such as fishing, hunting, and gathering rights on Homestead lands and surrounding areas.

Housing, Community & Economic Development

In the most recent review of the most expensive places to live in the world, Hawaii was listed as number three.

A reasonable low cost home in Hawaii ranges from $85,000 to $120,000 (not including the land). The State Council request that the Committee examine the needs for housing on Hawaiian Homestead Lands, for money for Infrastructure, and for the possibility of a Hawaiian Homestead Housing Construction Company as part of our economic development considerations. We also request the review of impediments to access potential housing devlopments and the possibilities of low interest loans for building homes. Reasonable home construction designs and proposals have been submitted to our Council by organizations such as Indian Habitat, Mesa, Arizona, and the Maori Housing Authority, Inc. in New Zealand. We have received invitations from other native American Indian tribes to purchase lumber from their resources with an eye toward doing business in partnership with other native Americans. We request the Committee to recommend to us a list of native American entities in businesses such as housing which might provide us with support and information.

Department of Hawaiian Homelands Support

The travesty of both the state and federal governments in not providing financial support to the Department of Hawaiian Home Lands from its inception surely is one of the the major causes for the inability of this agency to do its work as it should do and as it would like to do. Ignoring a history of 69 years of mismanagement and abuse of the native Hawaiian people does not heal the suffering and deaths of beneficiaries who simply wanted a roof over their heads and an inheritance for their children. History has shown that, over the years, both the federal and state government's behavior in the conduct of business for native Hawaiians and in support of the Department of Hawaiian Home Lands has been negligent.

We request major financial federal support to the Department of Hawaiian Home Lands for planning and management. We requestq federal financial support to the Department for infrastructure and housing. We request state and federal support to the Department for administration and staffing and most importantly, we request federal and state support for housing and health care for our elderly.

Conclusions

In conclusion, we request all native Hawaiians and Hawaiians to set aside our differences in this "competition for unity", and allow ourselves the privilege of measureable changes with varifiable results. It is the only way to square ourselves with the realities. One could dwell on past failures, but there is failure only when one fails in one's spiritual self. We Hawaiians must pledge ourselves to work together and to succeed. We cannot fail our people and our future generations. For the State Council of Hawaiian Homestead Associations, it is a time of great hope and positive change. If we hold strong to the ambitious plans and great works that we proposed in Hilo in July, and if we focus our attention on an even broader agenda, we will succeed.

Throughout these hearings the Committee has heard hopes, fears, and skepticism expressed. Let us dwell on the "hope". We hope that the Committee will help us help ourselves. If so, Native Hawaiians will succeed. That success will allow us, once again, to celebrate our birthright.

We thank the Committee, and especially Senator Daniel Inouye, for the opening of the door to a happy and prosperous future for all.

MINUTES AND LISTINGS

OF THE

JUNE 11, 1952

LAND AWARDS DAY IN WAIMEA, HAWAII

21

MINUTES OF THE FOUR-HUNDRED AND ~~FOURTH~~ fifth SPECIAL MEETING HELD AT WAIMEA, HAWAII ON WEDNESDAY, JUNE 11, 1952 AT 10:30 O'CLOCK A. M.

The Chairman stated that this was a special meeting of the Hawaiian Homes Commission called for the purpose of establishing a priority list for the awarding of leases of lots of Hawaiian Home lands in the vicinity of Waimea, comprising pastoral, farm and house lots.

The Chairman introduced the following guests:

Governor Oren E. Long
Mrs. Harriett Magoon, Commissioner
Mr. Norman McGuire, Commission
Mr. Richard Furtado, Commissioner
Mr. Lyman Bigelow, Commissioner
Mr. H.A. Wadsworth, University of Hawaii Extension Service
Mr. Edward Hosaka " " "
Mr. T. Y. Awana, Territorial Surveyor
Mr. Francis Kanahele, Assist. Territorial Surveyor
Representative Flora Hayes
Mr. Chas. H. Rice
Mr. Arthur K. Trask, representing the Hawaiian Civic Club of Honolulu
Mr. Harry L. Powell, Engineer
Daniel K. Ainoa, Executive Officer
Mrs. Aluli Lyons, Secretary
Mr. Aluli Lyons, Accountant
Mr. Wm. Kuamoo, Clerk
Mr. Twigg-Smith, Advertiser Publishing Co.
Mr. Bud Smyser, Honolulu Star-Bulletin

Chairman: Beginning with the first project under the Hawaiian Homes program launched at Kalamaula, Molokai in 1923, with 24 homesteaders, the rehabilitation program has grown steadily until it now includes, besides several Molokai areas, three major settlements on Oahu, and one large development at Keaukaha on this island of Hawaii; with a total of over 1500 Hawaiian lessees representing more than 10,000 men, women and children.

Today, Hawaii celebrates the birthday of the Great Kamehameha.

It is very fitting therefore, that we inaugurate this new project, the first since 1935, on his anniversary, and in the district of his birth and youth, for it should be remembered that Kamehameha was skilled in the arts of husbandry as well as war.

The Commission has selected from the many applications submitted, a list of those considered most eligible or most deserving.

The names of those selected have been placed in this calabash, and Governor Long has kindly consented to start off the drawing by which an order of priority will be establish from which the final selection will be made.

It is now my great privilege and honor to present to you the Governor of Hawaii, the Honorable Oren E. Long.

The Governor addressed the audience and then proceeded to draw the first name out of the calabash for the 48 pastoral lots.

Former Governor Stainback, who was in the audience was asked to draw the numbers for the farm lots.

The names of the following persons in the order in which they were drawn are listed herewith:

Number	Name
1	Mrs. Annie Purdy Bell
2	Moses Kim Kealamakia
3	Pence Spencer
4	Mrs. Mabel Kane Lorenz
5	Albert Manuna
6	Wilmot K. Deena Beamer

The first 48 applicants were admitted on June 11, 1952

	Number	Name	
	7	Alex. B. Flores	
	8	Anthony Vincent Phillips Sr.	
	9	Jos. K. Daniels	
	10	Julian Rutter Yates Jr.	
	11	David K. Chong	
	12	Mrs. Gertrude Doltjen Moniz	
	13	Louis Kauahi	
	14	Maurice W. Payne	
	15	Oscar Robt. Lindsey	
	16	Edward H. Hee	
	17	Ethel Chong Andrade	
	18	Mrs. Mamie K. Anderson	
	19	Harry Kawai	
	20	Ebenezer K. Lazarus Jr.	
	21	David Kapu Bell	
	22	David Kaune Jr.	
	23	William Kawai	
	24	Mrs. Mildred Lopez	
	25	Archibald K. Bertelmann	
	26	Mrs. Myra Hoike	
	27	Frank Pakana Kawai	
	28	Louisa Akau	
	29	Mrs. Josephine K. Lee	
	30	Mrs. Martha K. Loo	
	31	Henry K. Ohumukini	
	32	Mrs. Angeline N. Cordeiro	
	33	John Kainoa Sr.	
	34	John Kukini Lindsey	
	35	Wm. K. Nakoa	
	36	Mrs. Mary K. [illegible]	
	37	Walter Leilani Puni	
	38	Jennie Ualo Smith	
	39	Louis K. Pelekane	
	40	Mrs. Rosemel Oana Kalama	
	41	John Holi Mae	
	42	James Spencer	
	43	Lily Lindsey Oshimatsu	
	44	Mary Kamoe H. Pelfrey	
	45	Mary Ann Dowsett	
	46	Peter N. Young	
	47	Joseph Perez	
	48	Mrs. Hattie K. Bannister	
Dec	49	Arthur Lenuanui	
	50	James F. Akiona	
	51	Chas. Kotley K. Lindsey Jr.	
	52	Henry Kauhane Masomber	
	53	George Alama Jr.	
Dec	54	Jos. Chesebro Lindsey	
	55	Mary Pacheco Lindsey	
	56	Abraham Isaacs	
	57	Leinaala Akiu Crockett	
	58	Sadie Maile Bader Rodenhurst	
	59	Mrs. Lena Kaleikini Ching	
Dec	60	Mrs. Mabel Hussey Jose	
1-17-68	61	Beatrice L. Albright	award

5/11/52

- 4 -

	Number	Name	
Dec	62	William Kaniho Jr.	
	63	Rose Pule Lindsey	
Dec	64	William Clark Mills	
5-30-70	65	Geo. Maude Purdy	Award
	66	John Thomas	
Dec	67	Charlotte Kihoi Leong	
5-3 65	68	Piilani Irene M. Bell	Award
Dec	69	Genevieve Piilani Kanuc	
	70	Jos. J. Iseke	
	71	John De Gucir Jr.	
	72	Melvin Ford	
	73	Peter K. Moses	
	74	Beatrice Kihoi Wong	
	75	John Smith Rickard	
	76	Margaret Poupoe Hanohano	
Dec	77	Rodney K. Burgess Jr.	
	78	Theresa Mary B. Lau	
Dec	79	Jane Lupenui Gomes	
Dec	80	Frances Holoi Purdy	
8-20-75	81	Clarence Medeiros	Award
1979	82	Richard Chas. Lindsey Sr.	Award
	83	Flora L. Solomon	
	84	Chas. Enos Hall Spencer	
	85	Elsie K. Baker Furuto	
	86	Phillip Kaleihoku Walpoon	
	87	Jos. Hui Jr.	
Dec	88	Geo. M. Lindsey Sr.	
	89	Harold H. Lonokapu	
	90	Saml. K. Kalawe	
	91	Emmaline Ray Correa	
	92	Harry L. Bray	
Dec	93	Albert K. Lincoln	
Dec	94	Paul S. Isaacs	
	95	Jane Kau	
	96	Fred Iona	
Dec	97	Victoria K. Vierra	
Dec	98	William Kaniho	
	99	Walter Kihoi	
	100	Susan Waiwaiole	
Dec	101	Emma K. King	
	102	Quentin P. Gandall	
Dec	103	Sol. K. Levi	
	104	Geo. D. Kaono	
	105	Herman H. Kaliikipi Jr.	
Dec	106	Beatrice A. Sproat	
	107	Arnold Kaiu Kekauona	
Dec	108	Lillian Lincoln Lindsey	
	109	Alfred Kaimoku Uina	
	110	Samuel Alama	
	111	Eliz. Leihulu Andrade	
	112	Solomon Thompson	
	113	Francis K. D. Beamer	Award
	114	Olive L. I. Lunitu	
Dec	115	Helen K. Simpson	
	116	Frederick W. [illegible]	

	Number	Name	
	117	John Smith Rickard Jr.	
Dec	118	John Waihee Jr.	
	119	Wilfred K. Hussey Sr.	
Dec	120	Jos. Lewi	
	121	Horch S. Horseberg	
	122	Enos K. Lyons	
	123	Edward Justin Wil-ox	
	124	Henrietta Bishaw	
	125	Jos. Pacheco Sr.	
	126	Theo. Akau Jr.	
	127	Eugene I. Dudoit	
Dec	128	Robt. K. Lindsey	
	129	Henry Afong Ah Sam	
	130	Geo. Jas Sanborn	
	131	Frances Long Brand	
	132	Charlotte M. Kimi	
	133	Justn Warren Isaka	
	134	Helen K. Wilcox Salazar	
Dec	135	Duke K. Kamai	
	136	Frank K. Combs	
	137	Moses Ho-a	
	138	Mrs. Ellen K. Vasconcellos	
	139	Richard H. Peters	
	140	Chas. L. Hanohano	
Dec	141	Saml. F. Lindsey	
	142	Benj. Ahuli Kanikini	
	143	Jos. K. Kaeoppui	
	144	Basil Francis Victor Jr.	
	145	Cyril Jas. Walker Jr.	
	146	Chas. Yee Hoy Jr.	
	147	John Gardiner	
	148	Andrew K. Lono	
	149	Archibald Kaolulo	
Dec	150	Harry F. Fergerstrom	
	151	Abraham Kaleikini	
	152	Thos. K. Naniwa	
	153	Violet K. Shim	
	154	William K. Kahuena	
	155	John Akima Jr.	
	156	Eric K. Vannatta	
Dec	157	John Isaacs II	
10-23-64	158	Albert K. Akana Jr.	award
	159	Pierre J. Bowman	
	160	John Cooper Kaniho	
	161	Saml. W. Kamau	
Dec	162	Violet K. Combs	
	163	Markham Ellis Spencer	
Dec	164	Alex Akau Jr.	
Dec	165	Mary Akau Kapuakela	
	166	David K. Nuu	
	167	Le Vaine Lee Kilbey	
	168	Myron Thompson	
3-12-63	169	Harry E. Lono	award
	170	Eleanor K. Lacey	
	171	William H. Haim Jr.	

	Number	Name
	172	John K. Lindsey
	173	Annie K. Kainoa
	174	Geo. B. Kaeo
	175	Eugene K. Burke
	176	Sherman Namauu Thompson
	177	Moses Kalani
	178	Benj. Williams
	179	Frederick M. Lindsey
Dec	180	Solomon Akau
1979	181	Hannah Purdy Lekelesa awarded
Dec	182	William Kaliko W. Lindsey
	183	William Ahsee Apaka
	184	Annie Hamada
Dec	185	Daisy K. Perreira
	186	Rose Manelona
Dec	187	Robt. K. Lincoln

FARM LOTS

1	Mrs. George Angelo
2	Robt. K. Wilcox III
3	Leo L. Cullen
4	Henry K. Kawaihae
5	Josephine Rebecca H. Whitehead
6	Mrs. Napua Stevens Poire
7	Mrs. Ida Kanele Kunishige
8	Mrs. Jeannette Alani
9	Mary Kainoa Lee
10	James M. Nakanelua

Number	Name
11	Mrs. Margaret Leong
12	Keinard Hans Post
13	Mrs. Hannah A. Davis
14	Tom Hoon
15	Raphael Kaliikuli
16	Henry K. Keomalu
17	Mrs. Frances F. Wynn
18	Rebecca K. Lang
19	Mrs. Pearl Castro
20	Jas. K. Sanborn Jr.
21	Fred Napua Olepau Jr.
22	Mrs. Eliz. Lindsey Kimura
23	Joy Kalei Kauhi Sr.
24	Mrs. Josephine K. Kahuena
25	Mrs. Alice M. Anoheta
26	John K Kauwe
27	David A. Akana

ADJOURNMENT The meeting adjourned at 12:30 p. m.

Respectfully submitted

HAWAIIAN HOMES COMMISSION

Daniel K. Ainoa
Executive Officer

APPROVED: ~~[illegible]~~
6/23/52 [illegible]

TERRITORY OF HAWAII
HAWAIIAN HOMES COMMISSION
HONOLULU, T. H.

May 19th, 1952

Dear Applicant:

This letter is to keep you abreast of what is happening to your application and as to what the Commission's plans are regarding the Waimea Project.

The area available for settlement comprises approximately 18,000 acres of pastoral land previously leased to various ranchers, consisting of the lands of Nienie, and portions of Puukapu, Kamoku and Kapulena.

The Commission is having this area divided into 48 pastoral lots, 8 farm lots, and 77 house lots. In addition there will be an area reserved for an irrigated pasture and a section of Puukapu held out until it can be determined whether the rainfall in the vicinity can support individual small ranches.

Additional house lots may be opened up later; and the number of farm lots increased if sufficient water is available; but these additions to the present program lie in the future.

It is proposed that each homesteader shall be awarded a house lot, together with a pastoral lot or farm lot, as the case may be; making a total of 56 house lots assigned to the pastoral and farm lessees.

There will be 21 additional home-sites for those who apply for house lots only.

A total of 411 applications were filed for homesteads in the Waimea project on or before January 31, 1952, the deadline set for receiving applications.

It is obvious, therefore, that less than one in five could obtain a homestead in Waimea at this time; and as the majority of the applications were for pastoral lots, the ratio would be more nearly one in nine for the ranches.

The applicants include several who are already in good circumstances, and not in need of rehabilitation. Others lack the experience necessary to make a go of this new vocation.

The impression seems to prevail that the successful applicant will acquire a valuable ranch and obtain a good income with little effort on his part.

Nothing could be further from the truth. Ranching and farming both require skill and hardwork, besides a considerable amount of capital.

The Waimea lands have been the subject of so much controversy that any failure of the project would be seized upon by the opponents of the Hawaiian Homes program.

The Commission has, therefore, felt it necessary to screen the applicants most carefully, to insure the success of the project as a whole, as well as to give each lessee the maximum chance of success.

Every applicantion has been considered individually, based on the applicant's eligibility without regard to whether the children would be qualified to succeed to the lease or not. The Commission discussed limiting the applicants to those whose children would be able to succeed to the lease, but rejected the idea as not being in accordance with the provision of the law.

The considerations which governed the Commission in selecting the most-

[illegible]ble applicants were; first, that the applicant was not less than one-half Hawaiian; second, that the applicant's age and experience gave some assurance of success; and third, that the applicant's family and resources indicated a need for help in establishing a self-supporting family unit.

After careful consideration of each application, two lists will be compiled, of those deemed best qualified for the allocation of a pastoral or a farm lot, from which the lessees will be selected.

In two separate drawings all of the names on these two lists will be given priority numbers and the final selection made in the order of priority thus established as prescribed by the Organic Act in Section 73, subparagraph (N) for the allocation of homesteads under the general land laws of the Territory.

The drawings will be held at Waimea, Hawaii, on Kamehameha Day, June 11, 1952, Governor Oren E. Long has consented to honor the occasion by drawing the first numbers in each group.

After the drawings the Commission will further screen the successful applicants by personal interviews to verify that they are prepared to move onto their homesteads within one year from the date of the execution of their leases, as required by law.

Should any of the successful applicants be eliminated, the next numbers on the priority list will be moved up into the group entitled to make a choice of a lease.

The selection of homesites and pastoral or farm lots must be made promptly, within not less than 30 days of the June 11th drawing.

No lessee can be an "absentee landlord", nor enter into any agreement with any person firm, corporation or agency with regard to his lot, without the prior approval of the Hawaiian Homes Commission.

[illegible] He must by the language of the Hawaiian Homes Commission Act "occupy and commence to use or cultivate the tract as his home or farm" before he can be considered to have become a bona fide lessee.

[illegible] the form of leases are ready, the applicants will have an opportunity to examine them. They will include certain provisions regarding good agricultural practices, and limitations on the number of head of cattle that they may carry on the pastoral lots, in order to prevent over-grazing.

Should there be any questions regarding the foregoing, or any other phase of the project, please feel free to call at the Commission's Honolulu Office or write to the Executive Officer and he will be glad to answer any queries you may have..

Very truly yours,

HAWAIIAN HOMES COMMISSION

Samuel Wilder King

Samuel Wilder King
Chairman

LIST OF THE
MEMBERS OF THE
STATE COUNCIL OF HAWAIIAN HOMESTEAD ASSOCIATIONS

STATE COUNCIL OF HAWAIIAN HOMESTEADS

Anahola Hawaiian Homes Assn.

Anahola Hawaiian Land Farms

Ho'olehua Homestead Farmers Assn.

Hui Ho'omau-Keaukaha

Kapa'akea Homestead Assn.

Kawaihae Homestead Assn.

Keaukaha-Panaewa Hawaiian

Homestead Comm. Assn.

Keaukaha-Panaewa Farmer's Assn.

Kekaha Hawaiian Hmestd. Assn.

Kewalo Homestead Assn.

Maku'u Farmers Assn.

Moloka'i Homestead Assn.

Nanakuli Hawaiian Homestead

Community Assn.

Pahe'ehe'e Ridge Assn.

Panaewa Hawaiian Homes

Community Assn.

Papakolea Hawaiian Homes

Community Assn.

Paukukalo Hawaiian Homes

Community Assn.

Pu'ukapu Farmers Assn.

Waianae Valley Homestead

Community Assn.

Waiehu Kou Homestead Assn.

Waimanalo Hawaiian Homes Assn.

Waimea Hawaiian Homestead Assn.

Waiohuli-Keokea Hmestd. Assn.

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Kahului, HI 96733

ON THE QUESTION OF THE BLOOD QUANTUM

State Council of Hawaiian Homestead Associations
P. O. Box 2132 • Waianae, Hawaii 96792

Chairman
[illegible]
[illegible] Hawaiian Homestead
Community Association Inc.

Vice Chair
[illegible]
[illegible] Hawaiian
Homesteaders Association

Treasurer
[illegible]
Waianae Hawaiian
Homesteaders Association

Corresponding Secretary
[illegible]
Waianae Valley Hawaiian
Homestead Community Assn.

Recording Secretary
[illegible]
[illegible] Hawaiian Homestead
Community Assn., Inc.

Sergeant at Arms/Parliamentarian
[illegible]
[illegible] Hawaiian Homestead
Community Association

Historian
[illegible]
[illegible] Hawaiian
Homestead Community Assn.

Director
[illegible]
[illegible] Homestead Assn.

Director
[illegible]
Waianae Hawaiian
Homesteaders Association

STATE HOMESTEAD COUNCIL
[illegible] Hawaiian Homes Assn.
[illegible] Hawaiian Land Farmers
[illegible] Homestead Farmers Assn.
[illegible] Homestead Assn.
[illegible] Homestead Assn.
[illegible] Hawaiian
Homestead Comm. Assn.
[illegible] Farmer's Assn.
[illegible] Hawaiian Homestead Assn.
[illegible] Homestead Assn.
[illegible] Homestead Assn.
[illegible] Hawaiian Homestead
Community Assn.
[illegible] Ridge Assn.
[illegible] Hawaiian Homes
Community Assn.
[illegible] Hawaiian Homes
Community Assn.
[illegible] Hawaiian Homes
Community Assn.
[illegible] Farmers Assn.
[illegible] Hawaiian Homes Assn.
Waianae Valley Homestead
Community Assn.
[illegible] Homestead Assn.
[illegible] Hawaiian Homes Assn.
Waianae Hawaiian Homestead Assn.

A

Submittal

From the State Council of Hawaiian Homestead Associations

Its Position on the Question of the Blood Quantum

From

Kamaki Kanahele
Chairman

July, 1989

The position on the Question of the Blood Quantum as it affects all Hawaiians today have become one of the most controversial questions in this generation. Other questions continue to persist. "What about my children? What about my mo'opuna who do not have enough blood? How can my family inherit the land, they don't have enough blood?

At its Second Annual Conference of the State Council of Hawaiian Homestead Associations on July 23, 1989, in Hilo, Hawaii, the Council voted to accept a position on the lowering of the blood quantum in opposition to that of the Office of Hawaiian Affairs and its two attempts by the referendum ballot and again in creating a piece of legislation to do the same thing.

Since both federal and state laws are designed around the definition as stated in the Hawaiian Homes Commission Act of 1920, we would support to retain the present definition of the blood quantum recognizing that we will begin to discuss and come to a resolution that the present law must change in order to accommodate future generations.

History was made in Hilo when by ballot vote all Native Hawaiian organizations present voted on a gradual lowering of the blood quantum over a period of time.

KOKO-LINE
(Bloodline)

I am submitting this proposal for consideration by the Council on the question of over a period of what time?

This submission is for the consideration of a gradual blood quantum change over a period similar to that of a sliding scale methodology.
For example, statistics have been provided by the Office of Hawaiian Affairs that possibly the last living documented 100% pure blood Hawaiian will be deceased in the year 2040. Measuring from the year 1990 to the year 2040 is a range of fifty years. I am recommending that from the year 1990 (in agreement with the Native Hawaiian population), there be a gradual lowering of the blood quantum over a period of designated dates culminating in the measurement of 1/32% by the year 2040 to be defined as Native Hawaiian.

For example:

From 1990 to the year 2010 (twenty years) the definition presently in the Hawaiian Homes Commission Act of 1920 defines "Native Hawaiian" remains.

In the year 2011 to _____ the blood quantum would be lowered to ______% declaring this quantum change as Native Hawaiian.

In the year ______ to the year _____ the blood quantum would be lowered to _____% declaring this quantum change as Native Hawaiian.

In the year _____ to the year _____ the blood quantum would be lowered to _____% declaring this quantum change as Native Hawaiian.

In the year 2040 the designation of 1/32% Hawaiian blood would be the last declaration of those individuals recognized as Native Hawaiians with all rights and privileges inherited thereof.

Another example to the same sliding scale system

1990 - 2010==)	2011 - 2020==)	2021 - 2030==)	2031 - 2040==)	2040
(____________)	(____________)	(____________)	(____________)	(____)
▼	▼	▼	▼	▼
100%-50%	100%-25%	100%-16%	100%-1/32%	1/32
(N. Hawn.)	(N. Hawn.)	(N. Hawn.)	(N. Hawn.)	(N. Hawn.) Final Designation

Justification

- Agreement toward this proposal allows Native Hawaiians to sanction this blood quantum change and as such leaves for the next generation a birth-right blessed by this Native Hawaiian generation and not by government sanction such as OHA.

- The granting of this sanction leaves the privilege of birth-right to this generation as decided by this generation which is a practice of pure culture rather than by referendum voting.

- For the next twenty years the Native Hawaiian, as defined by the Hawaiian Homes Commission Act of 1920, will still have the full benefits deserving to them and an opportunity to take advantage of the rights granted by federal and state laws.

- All Hawaiians declared Native Hawaiians by 2011 will inherit the privileges and rights of other Native Hawaiians without of the loss of benefits to the original heirs. These original heirs will continue the privileges as Native Hawaiians for the rest of their natural lives.

- Those with 25% Hawaiian blood by 2011 if presently living on Hawaiian homestead lands could conceivably leave their lands to their ohana-heirs by that time, while unable to at this time.
- This will assure a continuance of benefits to those with less than 50% Hawaiian blood and the ability to inherit.

- Gradually return and restore Prince Kuhio's original wish that his definition of Native Hawaiian be 1/32.

- That the benefits of the 20% ceded lands trust to Native Hawaiians by federal and state laws will not be diminished and that Native Hawaiians now and in the future will receive their inheritance.

- That neither federal or state governments will decide the privileges or rights of Native Hawaiians under this proposal but by Native Hawaiians.

- That the combining of the benefits from that of the Department of Hawaiian Homelands and the Office of Hawaiian Affairs designated to Native Hawaiians by law will allow for no breach of trust to exist and full benefits to all Hawaiians and Native Hawaiians over a period of time.

- That the combining of both entities aforementioned will allow for both a land and financial base to exist for Native Hawaiians as a first step towards self-government and the acquisition of a position of sovereignty.

PREPARED STATEMENT OF WAIANAE VALLEY HOMESTEAD COMMUNITY ASSOCIATION, INC.

Aloha and Mahalo to you, Senator Inouye and your distinguished panel,

My name is Olive Leinaala Kepa. I am the president of the Waianae Valley Homestead Community Association, Inc. Today, I will submit our written testimony on behalf of the Waianae Valley Homestead Community Association. Our homestead association has had three meetings, of which our presentation today has met with our people's unanimous support.

Mahalo nui for the opportunity of sharing with you our concern as beneficiaries of the Hawaiian Homestead Act. We are grateful for this opportunity.

We, the oboriginal natives of this land, beneficiaries of the Department of Hawaiian Homelands who reside in Waianae anxiously approach this hearing as the apex of evolution and change, collective planning for diversity and choice.

We see this process as vital for our survival as a people. This hearing involves all of us in the creative, critical and practical application of future inventing, insuring the interaction of all directly interested and affected parties, providing an opportunity for all to be represented and heard. Something quite new in our experiences with the United States government.

The potential for varied views could and should be an opportunity to provide the evolutionary development of a desirable diversity with the complex ecology of our Hawaiian communities.

We view ourselves as a conquered people, a people who survive at the very whim of the conqueror. We are forced to colonize, which tears at the very fabric of the democratic principle of equal opportunity, with this process you offer us today, we glean hope for our seed, realization that many of us have become pawns in the struggle for land and power. We are sick of being manipulated, manipulated by the State, Federal and County governments. In the final analysis, you and your colleagues will have to make the determinations, we pray for justice.

Mahalo.

July 07, 1989

Testimony submitted to

The United States Senate Select Committee on Indian Affairs and the United States House of Representatives Committee on Interior and Insular Affairs

By The Waianae Valley Homestead Community Association, Inc.

Successorship/Quantum

Presentor: A. Frenchy Keanuenueokalaninuiamamao DeSoto

Aloha, greetings to you:

The Waianae Valley Homestead Community currently consist of 374 lessees with approximately 6 members per household In preparation for these very important meetings, our association held meetings with the homesteaders in an effort to identify specific issues in order of priority. These position were adopted unanimously by the homesteaders.

The top or highest priority for our homesteaders is the issue of successorship and blood quantum requirements, that unduly and unnecessarily limit the rights of Native lessees to will or otherwise devise their property to their descendants.

While the association remains very concerned with the protection of Native Hawaiian lands, it wishes to point out that it's members do no accept the anglo definitions of Native Hawaiian imposed upon us by the provisions of section 209 of the Hawaiian Homes Commission Act.

We must talk about the effects of this current law upon our families.

This law divides our families, fathers and mothers from children, and grandchildren. We bleed spiritually and emotionally, our very essence screams out in agony when we realize that the act purports in fact to divide us from our seeds. We have come to believe that the lessees on Hawaiian Home lands are basically rentors who must adopt or accept a "hilter" mentality of forced love and mating to achieve a "super race" to exist.

When a child asks upon the demise of a parent or grandparent, "How come we gotta move?", "I thought I was Hawaiian?" And when we witness the excruciating pain of the parent or grandparent when attempting to explain a law that tears across the very fabric of a culture, then does the total sense of helplessness overwhelm you.

Is one Hawaiian better than the other simply because of the amount or percentage of ethnic blood required? The U.S. Supreme Court has ruled that an American Indian Tribe has the absolute right to define it's membership, please give us the same recognition and respect.

It is immoral to continue the divisive implication of the Act in section 209. For surely to do so would leave us perpetually impaled, hopelessly writhing in pain on these horns of dilemma.

The Waianae Valley Homestead Community is in strong consensus that something must be done, the next question is what? As most of us are lay people with very limited resources, we don't have the nuts and bolts of prepared legislation for introduction. However, we do have a proposal for your consideration.

We propose that the Hawaiian Homes Commission Act be amended to allow for 999 year leases, and that the lessee shall determine his/her successor who must be a descendant, irrespective of blood quantum. Guarantees shall be provided to insure the land inalienable. We also recommend the amendment include a single definition of Native Hawaiian to mean any individual whose ancestors were original natives of the area which constituted the Hawaiian Islands prior to 1778. Proper guarantees to protect the rights and privileges of those holding or waiting a Hawaiian Homes award must accompany this change.

The future of our families lie in your hands, Mahalo and thank you very much for allowing us this opportunity.

HOUSING ALTERNATIVES

Presentor: Germaine Lokana Keliikoa

PROBLEM STATEMENT

The average homestead family consist of 6 people. Many of us have our children and their families. They are unable to find housing due to the high cost of rent versus their incomes. Section 8, a rental subsidized program, has a long waiting list which is compounded by trying to find a rental unit within specifications of government entities as well as landlords. A few of us are with Kupuna, add another generation. Within our homes is love and care and sometimes we hurt each other because of the stress of so many under one roof. Struggling to make it work, because we must make it work. With Kupuna's patience and strength, we look to better days.

The Department of Hawaiian Home Lands has always been plagued with inadequate funding. Whether proceeds of the general leases have adequately assessed in the evaluation of the property as well as escalating as property value increases, or the State Legislature appropriating funds designated for housing in two separate sessions, for infrastructure and actual construction of homes, the frustration of the Department and beneficiaries multiplies with time.

The loss of land which would help lessen the burden tremendously, has yet to be cleared in the records of the Department, State and Federal government to whom the trust responsibility lay.

RESOLUTION

The Waianae Valley Homestead Community Association therefore recommends:

1) That the State government design and implement housing projects for the low and medium income people of Hawaii as soon as possible, setting aside a greater portion as rental units.

2) With the scarcity of land, that the Department look into the feasibility of condominium's for our younger families who may want just the living space and not ground property as we do.

3) That Kupuna Housing be made available to all Kupuna's eligible, so they may be able to live among their peer, and Kupuna Housing be on homestead lands to be near family and friends, as well as on other lands belonging to the Department, that the design and construction of Kupuna Housing include consideration of their age and lastly, that they retain their dignity by being able to rent their homes on a sliding scale.

4) That the Department look into offering private developers an opportunity to do the infrastructure work as well as housing, with the Department specifying the needs to be met and amounts expendable.

5) That the Federal and State government extent tax credits to these developers as an inducement to participate in the program, and that these credit be extented over the years.

6) That the opportunity to participate in the Hula Mae Program, or any other Federal, State or County housing program that is offered to the general public also be made available to all homesteaders.

Mr. Chairman, distinguished panel, mahalo for your concern and kind consideration of our mana'o.

TRADITIONAL AND CULTURAL CONCERNS

Presentor: Nancy Luhana Kahananui
Reference: Federal-State Task Force on the
Hawaiian Homes Commission Act
Findings & Recommendations: pages 55 & 56

FINDINGS

There is no reference to native rights or cultural practices in the Hawaiian Homes Commission Act as amended or the rules and regulations of the Hawaiian Homes Commission.

Section 7-1 of the Hawaii Revised Statutes does not prevent the Hawaiian Homes Commission or the Department of Hawaiian Home Lands from acknowledging native Hawaiian rights, cultural or traditional practices or from implementing regulatory provisions acknowledging such rights.

Rehabilitation of the native Hawaiian implies that traditional and cultural practices of native beneficiaries, to the extent not precluded by law, should be respected and acknowledged by the DHHL in order to enable native beneficiaries to return to their land and to provide for their self-sufficiency and initiative and for the preservation of their culture.

Native rights should include but are not limited to the following:

1. Rights to gather, hunt and fish for subsistence and livelihood purposes;
2. Rights to have access to the mountains and the sea and to traditional trails;
3. Right of worship and access to sacred places of worship; and
4. Rights to running water for subsistence and agricultural purposes.

RECOMMENDATIONS

The Hawaiian Homes Commission should adopt policies and promulgate rules and regulations acknowledging the traditional and cultural rights of the native Hawaiian people.(99)

Leases or other legal documents issued by the DHHL which award rights to land to native beneficiaries or others should contain provisions whereby the traditional and cultural use rights of native Hawaiians are acknowledged and allowed on Hawaiian Home Lands. (100)

The Hawaiian Homes Commission and the Department of Hawaiian Home Lands should adopt policies and procedures whereby native Hawaiians, or associations, or huis of which they are members, may obtain access to Hawaiian Home Lands in order to exercise native rights such as gathering, fishing, hunting and religious worship. (101)

Mahalo for this opportunity to appear before you.

SELF-GOVERNANCE OR SOVEREIGNTY

Presentor: Germaine Lokana Keliikoa
Aloha, my name is Germaine Lokana Keliikoa. I am very happy to present the views of my neighbors and myself today.

PROBLEM STATEMENT

Sovereignty or "self-governance" is an appealing, yet frightening word. We have smiled in the past, thinking "sovereignty" and now, we question ourselves.

What does it truly mean? Does it mean that Mama looses her Medicaid. Does Joe loose his entitlements as a retiree of the military services? Do we still receive help for human problems beyond our control. What of social security? What are the give'ens as well as the bennies.

How will our government be structured? The return of the Alii? A caste system? What of fiscal stability? Where's our governments operational cost coming from? Who does what for whom. Will the United States Government still embrace us as a sovereign nation.

RESOLUTION

Our homestead association is interested in learning more about sovereignty, and therefore recommends that the United States Government:

1. Help provide experts in the field of government to explain the difference between the system of government we presently enjoy, and those of a sovereignty.
2. Help in providing people presently living under that system of government, share their experience as well as literature of their nation under this system.

3. Afford all our people an opportunity to learn more about "self governance" before we take a stand that will impact on us hereafter.
4. Ensure our people, the native Hawaiians involvement in this native entity of "self-governance" and
5. Understand, that we will not be forced to accept any pre-prescribed structure, but should be involved in the creation of a truly representative body.

Senator Inouye, distinguished panel, mahalo for this opportunity to express ourselves.

TAXES

Presentor: Olive Leinaala Kepa
Aloha kaua,

PROBLEM STATEMENT

Hawaiian Home Lands which have been awarded as homesteads are assessed in the same manner as privately held lands for real property tax purposes. As the lessees get older, their earning capability is less, but their tax assessments continue to escalate. There is no mechanism in place for lessees to recoup their investment in the land. Since Hawaiian Home Lands cannot be alienated, it may be appropriate for such lands to be assessed differently.

One of the ironies of this provision is the fact that as one improves one's leasehold, one is penalized by tax increases, discouraging upkeep and maintenance and even the semblance of continuity essential for all people's well-being.

RESOLUTION

Our homestead association therefore recommends:

The Hawaiian Homes Commission Act, Section 2008 (6), be amended so as to provide by statute Hawaiian Home Lands to be assessed differently from private lands.

Eventually, the Hawaiian Home Lands program will be only for the affluent and those of us who need it most will be disenfranchised.

Mahalo for your time and patience.

HAWAIIAN HEALTH

Presentor: Evanita Kapiolani Ilaban

Aloha kaua. My name is Evanita Kapiolani Ilaban. I am honored to come before you and speak on behalf of my neighbors of our homestead community.

PROBLEM STATEMENT

The life expectancy of native Hawaiians is the lowest of all major ethnic groups in the State of Hawaii, and is approximately 5 years less than the state average. In addition, we suffer from the highest age-sex standardized mortality rates of any of the major ethnic groups in this state. (Hawaii Tumor Registry)

A survey taken in 1980 by the U.S. Census, showed that the Native Hawaiian population comprised 19% of the total population.

A report from the Wai'anae Coast Cancer Control Program states--"The Native Hawaiians have suffered as an indigenous group and have been alienated in their own land."

There are many factors that contribute to the health problems and high mortality rates in Native Hawaiians, low socioeconomic status, culturally unacceptable attitudes, access to and under-utilization of health care services. A few revert to "home remedies" as a solution that can't be met otherwise. Sometimes even though government provides services that are sorely needed and wanted, the approach, environment and cultural appropriateness is over-looked.

RESOLUTION

The mainstream of health services in Hawaii is characterized by western concepts and practices, resulting in a a system which is indifferent to Native Hawaiian values, help-seeking behaviors, treatment goals, problem-solving methods, and communication styles. (E Ola Mau, 1985)

Therefore we seek:

1) More programs be made available in the health care professions, to Native Hawaiians according to ability rather than income.

2) The promotion, recognition and utilization of Kupuna type Native Healers in community-based health care centers.

3) To aid health programs and projects that deal directly with Native Hawaiians giving consideration to the culture and traditions of the people.

Furthermore, we ask that the skills and practices used in "state-of-the-art" treatments be taught to Native Hawaiians, so they may carry their learning experiences to greater heights of good health and living

ACKNOWLEDGEMENT

May I, at this time Senator Inouye, thank you and your colleagues in Congress for their generous support to the National Cancer Institute, as well as the Native Hawaiian Health Care Act. As Hawaiian community members of the Wai'anae Coast Cancer Planning Committee, we traveled to conferences' conducted by the National Cancer Institute, and shared information and ideas in the Black Leadership Initiative On Cancer Network. We are very proud of your dedication to the good health of our nations' people, and the promotion of involvement of our Hawaiian's, as noted by Dr. Maurice Sullivan, then Chairman of the Board of the National Cancer Institute, and others often remarked.

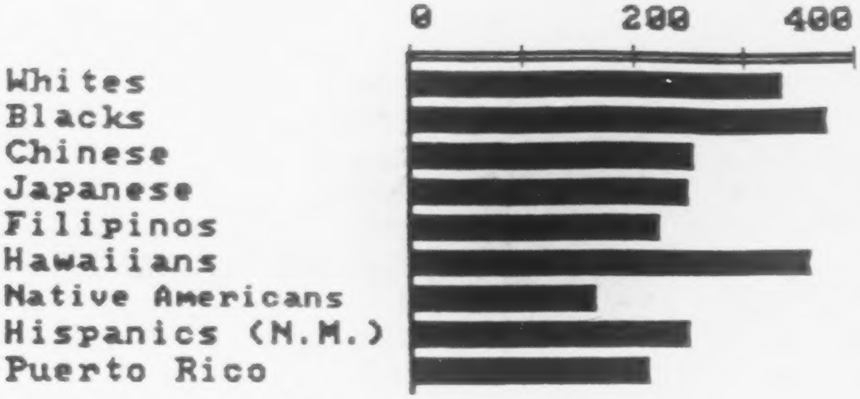
We are looking forward to the Native Hawaiian Health Care Centers to be established statewide as provided for by the Act, and under the guidance of Papa Ola Lokahi. We are hopeful that the mana'o of the people to be served in each area is solicited by the administrators of these centers. I believe that to know and understand one's responsibilities to the other and the limitations within reason, will help us to make our joint ventures successful.

Mahalo for your valuable time and kind consideration of our people.

attachments

Age-adjusted Cancer Incidence Rates per 100,000 by Racial/Ethnic Group: 1978–81

All Sites Combined



Reference: CANCER AMONG NATIVE HAWAIIANS

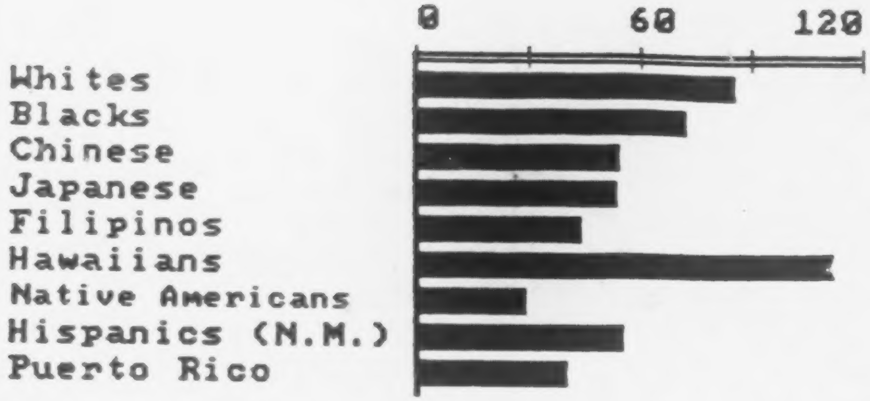
DATA PACKAGE

Prepared by:

Claudia R. Baquet, M.D., M.P.H.
Special Populations Studies Branch
National Cancer Institute

Age-adjusted Cancer Incidence Rates per 100,000 by Racial/Ethnic Group: 1978–81

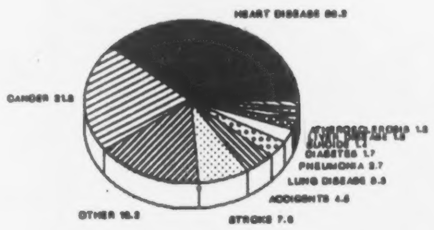
Breast
Female



Claudia R. Baquet, M.D., M.P.H.
Special Populations Studies Branch
National Cancer Institute

CAUSES OF DEATH

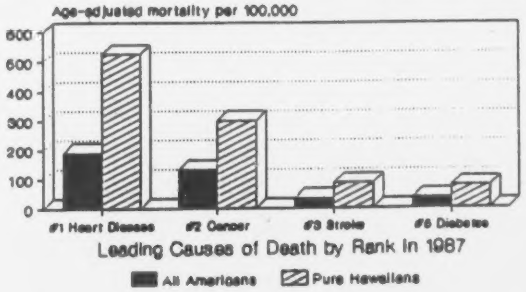
Ten Leading Causes of Death in U.S.



Percent of all causes

HAWAIIAN MORTALITY

Mortality of Pure Hawaiians from Leading Causes of Death Compared to U.S. Average



Office of Technical Assessment,
U.S. Congress 1987

Airleen Lucero
89-239 Lepeka Ave.
Waianae, HI 96792

fc ⑩

August 2, 1989

Dear Senator Inouye,

I wish to express my concerns regarding the state of our indigenous people of Hawaii and the plight of many without homes or lands necessary for survival. And to share my viewpoints regarding the blood quantum and sovereignty issues.

I believe that Hawaiian Home Lands as a governed State entity has not adequately met the needs of Hawaiians in securing for them homes on which to live. Since DHHL inception only 5,962 leases have been awarded. 2,499 lots of that 5,962 given during a three year period from 1984 to 1987 in its accelerative program. I do not know how many of the 2,499 leases are just an exchange of paper. But I do know of many families and friends who are unable to build due to lack of infrastrature, or their inability to find a mortgage loan company willing to finance.

I am one of the fortunate ones who have inherited my great-grandparents lease of Hawaiian Homestead land in Nanakuli. But again my future lies in the hands of strangers who must decide what will happen when the leases expires. Presently, I am more concerned with the fate of our Native people living on beaches, in cars, or hiding in the mountains, trying to live incognito for fear of the law. It's for these that I have come to speak. I do not know them by name. And they do not know me. But they are Hawaiian and ohana. The economic development and the prosperity of the rich have displaced the Hawaiians by making the ownership of a home beyond their reach. Their only hope is homestead land.

Hawaiian Homelands used to have loans for leasees at 2½ to 3½ interest rate. Today, they did not raise that rate, instead, they simply stated they no longer have any funds available. Of course they did have some good news, Homesteaders can now get FHA loans. Needless to say, FHA loans are made available from banking institutions that many of our indigenous people do not meet the criteria to qualify for these loans.

My first question that needs to be answered is, What happened to the allocation of money held in trust for leasees to borrow in order to build or improve their homes. And who holds DHHL accountable for misappropriation of funds? And why haven't the State of Hawaii resolved this problem by finding additional resources, or increase lease payments of commercial businesses to replenish the depleted budget for loans to leasees.

I am for the dilution of blood requirements in determining a native Hawaiian. But, would like to see a sliding scale that dilutes the blood of native Hawaiians gradually over a number of years.

I am in favor of sovereignty but not at the cost of losing my American citizenship. The model presented by our homestead president Kamaki Kanahele is a good one.

I would also like to own my homestead after the ninety-nine year lease expires. I want to leave my five sons with an inheritance on this aina known as Hawaii. I pray that this land does not become the land only for the rich and famous. But a land where the average Hawaiian can live comfortably and be able to afford paying land taxes.

Ua mau ke ea o ka aina i ka pono. Truly, if the life of the land is perpetuated in righteousness, then we must seek justice and righteousness for our indigenous people of Hawaii. And I pray that God will help you in your efforts to reinstate the Hawaiians to the lands that were once theirs. Looking not to the injustices of the past, but to peaceful resolution, unity and love for the aina and its people, our Hawaiian Ohana.

Sincerely,

To Senator Inouye and Select Committee on Indian Affairs:

Aloha Ke Akua,

My name is Kimo Waialae Kelii and I am presently a resident of the Nanakuli Hawaiian Homestead community. Although my mother is the leasee of the land, I still made it my business to actively participate in the direction and future of Hawaiian Home Lands; especially since I am one of the approximately 18,000 on the Department of Hawaiian Home Lands waiting list. My involvement has come in the position of being elected as Board of Director for the Nanakuli Hawaiian Homestead Community Association. Being the youngest member of the Association, I have found it a great priviledge to participate in the decision-making process of the growth and development for Nanakuli. Also, becoming involved gave me a better understanding of why it has been taking so long for my generation to receive our entitlements.

Realizing that the State of Hawaii in the form of DHHL has been very neglectful in the management and maintenance of our Lands, I, along with many other people, were responsible for the creation of the new "State Council of Hawaiian Homestead Associations" which I was elected as Recording Secretary for the executive board. This State Council presently has 23 homestead associations as members which Senator by the way represents the majority of native-hawaiians in the State of Hawaii.

Senator, honorable guest, and committee members, I challenge you all with the task of taking a more active role in monitoring and fulfilling your Trust obligations to us "Opio's" (youths) as natives of this land called Hawaii. The Native-American Indian youths as well as the Native-Alaskan youths have a better sense of direction and future mainly because you have given them the right to govern themselves with the responsibility of managing their own lands. Then why have we, native-hawaiian, youths been treated like second class citizens to the same inheritence that other "natives" under the United States of America's government received?

Con't: Testimony for Oversight Hearings.
Kimo Kelii

Senator, please consider my generation in the decision that you will determine whether or not the State has been negligent in their management of our lands and assets. There are many native-hawaiian young people, just like myself, who are motivated and dedicated to creating a foundation for our future generation; which is our Keiki's (children). However, this foundation appears to be false hope for us primarily because many of my "Makua's" (Older person) have never received their entitlement to a homestead land. With the present DHHL system operating under the same "foot dragging" mode, many of us young people have no choice but to seek homes in the high unaffordable market place. Consequently, the recent improvements in DHHL has been just another camouflage for us to feed this false hope of maybe one day receiving our land.

Please don't get me wrong, I am not here to criticize only DHHL, I am here to also criticize the Office of Hawaiian Affairs reckless attempt to break the blood quantum of the native-hawaiian. Claiming that this move would benefit all hawaiians, I find it extremely hard to believe especially since OHA cannot even take care of the natives.

Senator, considering that the State was the only available entity at the time, to be responsible for the Trust, well, today, right now, there are many other qualified entities that would probably do a far more better and efficient job of managing this Trust. (Such as: State Council of Hawaiian Homestead Associations, Ka Lahui Hawaii, etc.)

In conclusion, I hope to see the Federal Government preparing more oversight hearings to follow-up on their own negligence. Also, I pray to "Ke Akua" that this particular Hearing is not just for show, but that the Trust obligations begin to mainfest itself in the placement of native-hawaiians on homestead lands as well as in provisions made for the native-hawaiians to self-govern themselves.

Kimo Waialae Kelii,

Kimo Waialae Kelii

TESTIMONY BEFORE JOINT COMMITTEE HEARINGS OF CONGRESS ON INDIAN AFFAIRS, 8/7/89

I am a concerned individual of Hawaiian ancestry pursuing a doctorate in history at the University of Hawai'i at Mānoa, and also employed there as a teaching assistant. My interest in, and devotion to the furtherance of Hawaiian causes brings me before you; fervently seeking ways to become an integral part of this process of definition and clarification to Hawaiian Homes issues.

It is my sense that homesteaders and would-be homesteaders have been callously neglected, first by the Territory of Hawai'i, then by its entity successor, the State. Recent attempts by the Waihe'e administration to remedy these long-standing abuses, are "band-aid" measures applied to "gaping wounds" in the areas of land awards, infrastructure development, housing construction, and economic self-sufficiency, to name several. My awareness of, and empathy toward, their plight as Hawaiian Homes beneficiaries is accutely genuine.

Be advised, the grave issues to be brought before this committee today on O'ahu and for the rest of the week on the other islands, are being watched closely by non-homesteaders with their own agendas and concerns, many of which coincide with homesteaders' needs and opinions. Thousands of us, from every walk of life every religious persuasion, every political bent, and every socioeconomic level, know, that the Hawaiian people as the indigenous race of these islands will no longer sit idly and play the roles of passive victims. And while differences will, and should exist among us, the myth of the establishment that nothing will come without first having some semblance of Hawaiian unity is utterly farcical. The alleged need for unity can too easily be turned on Hawaiians as a tactic to divide and conquer a people who shall not be divided and conquered any longer.

As an educator of Hawai'i's young adults who venture to the Mānoa Campus seeking fulfillment of their personal hopes and aspirations, I recognize that Native Hawaiians from the homesteads constitute a woefully low percentage of course enrollments. Those that are there, need but a modicum of culturally-appropriate guidance and support to succeed. The issues are obviously interrelated: the need to intensify government attentiveness to Hawaiian Homes needs could serve as a springboard to self-development in other areas like education. Without it, the State of Hawai'i will continue to be cast as the adversary.

Self-governance is an undercurrent that has come to the fore with various developments, beginning with Ka Lāhui Hawai'i and more recently, other groups have also been heard, speaking to the issue of sovereignty. The Homesteads are the backbone of these movements. As such, nationhood shall be forthcoming. It shall be borne on the bitter memories of guns and troops from the U.S.S. Boston aiding and abetting the overthrow of our Queen, Lili'uokalani in 1893; it shall be borne on the "divide and conquer" plantation politics that sullied the Homestead Act i[illegible]ign and implementation; it shall be borne on the knowledge that a $500,00[illegible] State Government surplus sits conservatively as Native Hawaiians' names fade on waiting lists, as hope fades with time; and it shall be borne on the awareness that tonight, Native Hawaiians will fall asleep in the ancestral homeland of their blood kin, foreigners to themselves, to others, and to their elder sibling, the 'aina.

Mr. Chairman, members of these committees, the rights of the Native Hawaiian Homesteaders must at long last be recognized. It is the vital first step toward self-governance in some form, the mechanics of which I pledge myself to assist in seeing actualized.

In respectful memory of Hawaiian patriots George Helm and Kimo Mitchell, I say:

> "E ola mau nā 'ōiwi o ka 'āina, mai ka ho'opulapula o 'Anahola
> i ka moku o Manōkalanipō, a hiki i ka lehua o Keaukaha, moku
> o Keawe ame ka mana o Pele. E nā Hawai'i, e laulima kākou."

Mahalo nui, a hui hou.

George Terry Young, M.Ed.
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Oversight and Legislative Hearings
U.S.Senate Select Committee on Indian Affairs
U.S. House Committee on Interior and Insular Affairs
August 10, 1989
Andrew Apana, Commissioner
Department of Hawaiian Home Lands

To the members of the U.S. Senate Select Committee on Indian Affairs and the U.S. House Committee on Interior and Insular Affairs, my aloha to you.

My name is Andrew Apana. I am part-Hawaiian and I am the Hawaiian Homes Commissioner from Maui.

In the past three years events crucial to the Hawaiian Homes program have taken place.

1. A Hawaiian Governor has been elected in our Great state.

2. There is a positive attitude by the State Legislature toward the funding of DHHL programs and operation.

3. A Reorganizational Study of the DHHL is completed with reorganization to begin shortly.

The Governor provides moral support, the State Legislators have provided us with more funding and the reorganization of the Department will provide a productive, professional and efficient means of fulfilling the mandates of the Act.

The only other ingredient necessary to Hawaiian Homes success is the Commission. We are the Commission! Ilima Piianaia, Chairman, Nani Brandt from Molokai, Dennis Kauahi, Edison Keomaka, Alvina Park from Oahu, George Robertson from the Island of Hawaii, Walter Smith from Kauai and myself. The Commission is committed to the beneficiaries! The Commission is committed to carry out the provisions of the Act! The Commissioners do not commit breaches of the Trust! The Commissioners do not purposely keep beneficiaries off the land! Every one of the Commissioners serves for one reason--Our Aloha for our People. Aloha is a concept that very few non-Hawaiians have or even understand.

We are the policy making body created by the Act.

We are responsible for all of the actions of the Hawaiian Homes Department.

We are responsible for all of the successes and the failures of the Department.

We are responsible to all of the beneficiaries.

We accept our responsibility for carrying out the provisions of the Act. We have had constraints in the past and we have not done as much as was needed to be done.

We do not blame history.

We do not blame the state government.

We do not blame the federal government.

We do not offer excuses of a lack of water or funds.

We know what our duties and responsibilities are and we accept all of it. We are COMMITTED! WE NOW HAVE THE MEANS AND THE TOOLS TO BEGIN OUR WORK! WE WILL GET THE JOB DONE!

Committee Members if one of the purposes of these hearings is to assist the Commission and the Department in attaining the goals of the Act. I have a few simple requests.

1. Force all Federal Departments to enter into negotiations to return and compensate the Trust for illegally transferred lands.
2. Provide the Department with enough funds for improvments that we may cut our ten year improvements timetable to 5 years.

We are being challenged daily by the beneficiaries to get them on the land. I now challenge the committee members to declare your ALOHA and COMMITMENT to the BENEFICIARIES. HELP US !

There has been a lot said of sovereignty with Hawaiian Homes Lands as its land base. I have but one concern if help is extended to us this way. Help us if you will. But, PLEASE DO US NO HARM.

I thank you,

STATEMENT

OF

DONALD A. CARR
ACTING ASSISTANT ATTORNEY GENERAL
LAND AND NATURAL RESOURCES DIVISION

I am Donald Carr, Acting Assistant Attorney General of the Land and Natural Resources Division of the Department of Justice. On behalf of the Department, I offer this statement for inclusion in the record of the joint field hearings of the Senate Select Committee on Indian Affairs and the House Committee on Interior and Insular affairs regarding administration of Hawaiian Home Lands, to be held in the state of Hawaii during the week of August 7, 1989. The Department expresses its regrets to both Committees that it was unable to send a representative to testify or to attend these hearings. I assure you that our absence is not meant to reflect in any way on the significance of the issue of administration of the Hawaiian Home Lands, which is of obvious and grave importance to the native Hawaiian people. Instead, we are unable to attend as a result of several policy and practical considerations, including the Department's general practice of allowing its Washington staff to attend hearings only in the Washington area (largely the result of budgetary constraints), the fact that the Department's role in the subject matter of the hearings is very limited, and the fact that those Departments more directly involved, including the Department of the Interior, are well represented at the hearings.

The remainder of my statement will be addressed to Chairman Inouye's letter of July 11, 1989, which, on behalf of both Committees, inquired into the role of the Department of Justice in implementing the recommendations of a 1982 federal-state task force regarding the administration of the Hawaiian Homes

Commission Act, 42 Stat. 108. Because our role was extremely limited, my statement is quite brief.

As revealed by the report, the Justice Department was not directly involved in task force proceedings. The task force was created by the Governor of Hawaii and the Secretary of the Interior. The federal members were all employees of the Department of the Interior, and the report was addressed only to the Secretary of the Interior and the Governor.

The task force recommendations were directed primarily to the Governor and legislature of the State of Hawaii, the Department of Hawaiian Home Lands, the Hawaiian Homes Commission and, to a lesser degree, the Interior Department, which was designated to "serve as the lead agency within the Federal establishment with respect to matters touching the Hawaiian Homes program that are the responsibility if the United States." The Justice Department was only indirectly and contingently affected by a few of the task force recommendations, and, as I will explain, has not found it necessary to take any action regarding those recommendations.

On page 20 of its report, the task force recommended that the United States should be aware of the manner in which the State of Hawaii manages the Homelands, satisfy itself that the State is not abusing its responsibilities, and, if the State is not fulfilling its responsibilities, institute proceedings for a breach of trust. The report recommended that this responsibility should be undertaken by "[e]ither the Department of Justice or the Department of the Interior or both" and should include designation of personnel of either Department already in Hawaii to review the Homes Commission program. It is my understanding that the Secretary of the Interior, in response to this recommendation, did designate and has since maintained Interior Department officials to actively monitor the Hawaiian Homes program. We are not aware of any request by the Secretary that the Justice Department also designate such an official and we have not made such an appointment. This Department has received no request from the Secretary to institute "breach of trust" litigation against the State of Hawaii.

The report's only other mention of the Justice Department is on pages 41, 42, 46, and 47, where it listed specific issues to be resolved by negotiations between the Secretary and the Governor and recommended that, if reasonable progress in resolving those issues had not been made within one year, the Department of the Interior should request the Department of Justice to initiate appropriate litigation. We received no requests pursuant to those recommendations.

That is the sum of task force recommendations that potentially involved the Justice Department. I hope that this statement adequately responds to the Committees' request, and, if it does not, invite the Committees to submit any further requests to my office for further response. I also sincerely hope that the Committee's hearings identify, and eventually lead to the solution of, any problems in regard to administration of the Hawaiian Home Lands.

PREPARED STATEMENT OF BARBARA HODGES

WHY ARE HAWAIIAN LEASE HOLDERS HOMELESS?

The answer is too easy. First, there has not been a sufficient development of homes lands to provide developed lots upon which the lease holder can site a home. Second, the ability of the Hawaiian lease holder to acquire necessary funding to site a home has been too severely restricted. Third, the Hawaiian community has not been afforded the necessary information to provide them with the options available to them.

The following is then an outline for the implementation of a solution to the problem.

General Optional Development Suggested Plans

1. The State does the work in a timely manner.
2. The Leaseholders form CO-OPERATIVE DEVELOPMENT ventures to:
    - A. Within 6 months, the State would provide a project evaluation to determine if a particular site can be economically developed.
        - a. If the site is not economically feasible, within 12 months the leaseholders be given an alternate site which has been determined to be economically developable.
    - B. The group to have a private developer to advise them.
        - a. Put the project to bid and select a contractor to do the work.
        - b. Select a payment process that is acceptable to both the State and the group.
        - c. Get the work done.
        - d. Build the homes of their choice.
        - e. Vacate or sell existing residences.
        - f. Move in and be PROUD that Hawaii is caring for her children.

When the families that are waiting for their homes to be placed on the land which is the birthright of every Hawaiian then every house or apartment vacated by that family would be made available for use by a non-Hawaiian descent family. Therefore, by placing one family the State would solve the needs of two.

PAYMENT ALTERNATIVES:

1. The State make the funds available from local and federal programs currently in effect specifically for use in the development of Hawaiian Homelands. (Hawaiian Homes Commisssion Act, 1920, Section 214(b)(1))

2. The State assume liability for payment for such debts with private institutions that are willing to extend credit for such development on a long term repayment basis. (Hawaiian Homes Commisssion Act, 1920, Section 219.1)

3. The State agree to repay loans to leaseholders if the leaseholders, as a group, are willing to put up the cost of such improvements from their own funds. (Hawaiian Homes Commisssion Act, 1920, Section 214 (b)(4))

4. If the State is not able to presently develop the infrastructure, that the State to allow a developer to provide the infrastructure and to allow the pledging of the property to obtain necessary funding. (Hawaiian Homes Commisssion Act, 1920, Section 208 (6))

GRANTING OF ADDITIONAL LEASES:

Leases shall be issued until all Hawaiians qualified have recieved the opportunity to accept or reject their homeland.

HOME CONSTRUCTION LOANS:

That the State raise the construction loan guarantee to meet the credit worthiness of the lease holder.

That the State provide a generic guarantee for permanent financing to the private sector equal to the one currently being offered to the federal government to back the FHA loans. (Hawaiian Homes Commisssion Act, 1920, Section 214 (b)(4)) This one step alone would allow competition in the market place both for the lenders needing to place local reinvestment funds and the home buyers. It is important to note that by activating competition in this area service to the customer would become the prime sales tool and would give personal attention to the special nature of the collective buying power of the 18,000 plus families involved.

PERCIEVED REDUCTION IN HOME VALUE:

There is a current perception that placement of a home on Hawaiian Home Lands that the value of the home is immediately diminished. A leaseholder has a place to site a home without the ability to use the land value to provide collateral to build the home. If the State acknowledges a particular family's need for services or housing but also refuses to identify the economic benefit of providing temporary shelter to that particular family at approximately half the cost by placing the shelter on this "land of no value" which is in the possession of that family, the State has committed an injustice to that family and to society as a whole. Also, the State would be ignoring the fiscal benefit to the overall problem of providing housing.

The development of the infrastructure, with the land being made ready for home construction, will allow the families to proudly respond to the potential of ownership. To acquire a lease by right of birth and/or inheritance, is the highest and most honorable means of acquisition.

In the past there were no easily identifiable answers to problem of reaching the potential. However, the introduction of manufactured housing which retains its mobility and allows for "temporary" placement creates new answers to this old problem.

It is important to acknowledge that there is a difference in being houseless and homeless.

When a family is entitled by birthright to land, it must not be the reason used otherwise to deny them the opportunities for housing that economic situation would qualify them for. We must then protect the families that are land owners and assure them of the same benefits as those without land.

Let us not confuse the birthright with the ability to financially acquire land or to deny those financially capable the right to claim their homeland or to maintain their living standard in housing. Familys at both ends of this spectrum must be considered by only the qualification of the individuals.

Now the attention must be on those who are houseless. If the family is houseless, they have a number of options from which to choose and they are as follows:

a. PROVIDED TEMPORARY HOUSING;
b. RENT;
c. LEASE WITH OPTION TO PURCHASE; or
c. PURCHASE

Here are a number of solutions to the problem that are currently being used:

1. To live with extended family or friends
2. To live in (or out of) their car or truck
3. To use a shelter on the beach, most often a tarp or tent
4. To qualify financially for placement in a shelter or special government program
5. To be a recipient of a gift, grant, or subsidy from the private sector or a non-profit organization
6. To rent, with or with/out Federal, State, County subsidy
7. To purcase a Home with or with out a subsidy program

Lets take a look at some of these options more closely. To have housing provide on a temporary basis 1-90 days. The need for housing of the Hawaiian home land owner should be considered without discrimination. The State should come to the conclusion that if it helped a homeland owner, it could maximize the ability to help those needing housing for about half the cost that would be needed to house a non-land owner. In other words, without additional red tape and wasted time the State could double its budget for solving the housing problems for the houseless.

To provide safe, sanitary, and structurally sound temporary housing to a family on their own land would be the beginning of a healing process and encourage recovery for that family and create a reason for them to go on to the next step. The State is spending many million's dollars on disposable solutions when they could, by inventorying reusable units, begin to house the individuals they are required to help by placing them on their own land.

RENTAL PROGRAMS:

With the introduction of Manufactured Housing, the Hawaiian homeland owner has the opportunity to rent a unit to meet the needs of his or her family. The additional programs this option will open are:

Investors could be encouraged to provide rental units for placement on a contract basis with a right of removal in case of default. The result would be eviction by extraction.

Payment would be received in the normal ways:

A. direct payment from renter

B. Section 8 County, State

C. FMHA low income rental subsidy to a non-profit organization

D. Permanent Temporary Placement through Federal, State, or private sector or Tax credit programs.

Movement of the house requires merely a change in family size or subsidy authorization or default on the payment agreement.

LEASE WITH OPTION TO PURCHASE:

By taking this step, young families will be provided the opportunity to plan ahead and reinstate the pride of their heritage and the land it has given them. A place to raise a family and a reason to preserve the bloodline with its right of land occupation.

As the family moves from rental to ownership when economic conditions allow, their desire to care for and maintain their home.

PURCHASE:

The leaseholder should have available the ability to purchase any home conditioned solely on his credit worthiness. (Hawaiian Homes Commisssion Act, 1920, Section 208 (6))

Barbara L. Hodges

Barbara L. Hodges

HAWAII BUILDING AND CONSTRUCTION TRADES COUNCIL, AFL-CIO
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OVERSIGHT HEARINGS ON THE HAWAIIAN HOMES COMMISSION ACT OF 1920
BEFORE THE U.S. SENATE SELECT COMMITTEE ON INDIAN AFFAIRS
AND THE U.S. HOUSE COMMITTEE ON INTERIOR AND INSULAR AFFAIRS

TESTIMONY OF HERBERT S. K. KAOPUA, SR.
PRESIDENT
HAWAII BUILDING AND CONSTRUCTION TRADES COUNCIL

August 3, 1989

Mr. Chairman and Members of the Committees:

We are pleased to support and commend the fine work of the Department of Hawaiian Home Lands and the Hawaiian Homes Commission. We applaud the outstanding support that the Governor of Hawaii and the Legislature has given to the work of the department and urge our federal government to match its rhetoric with action in providing the appropriate revenues to help the department achieve its goal of placing native Hawaiians on the land.

I provide testimony not only as a representative of my organization and its many members, native Hawaiians as well as non-native Hawaiians, but I also speak as one who directly benefited from the Hawaiian Homes program. My parents are lessees of Hawaiian home lands.

A large percentage of our organization's membership have also benefited from the Hawaiian Homes program. Many are homesteaders and therefore, their children will continue to receive benefits from the program. With your continued and additional support to the Department of Hawaiian Home Lands, we can look forward to a bright future for generations of Hawaiians.

We know that very few states accord their native and immigrant minorities the status that our Hawaiian natives enjoy in Hawaii.

Native Hawaiians continue to be excellent Americans who serve our country with pride. We look at the contributions of generations of our kupuna who have looked beyond our history and faced the challenges with an aloha that has endured. We are both proud Hawaiians and Americans. The ideals and aspirations we hold as inheritors of two legacies are one and the same. We enhance the American dream in a special and unique way.

We urge your kokua in providing the necessary funds that can enable our native Hawaiian people to attain their dreams.

Mahalo, Senator, for your distinguished record of accomplishments made on behalf of all of the people of the State of Hawaii. May you continue to preserve the spirit of unity that marks all of our people in our beloved state as one joined in aloha.

O wau no meka Ha'a Ha'a,

Herbert S. K. Kaopua
Herbert S. K. Kaopua, Sr.

Prepared Statement by

EMMETT E. LEE LOY

on

"THE SOURCE OF QUALIFIED BENEFICIARIES' UNDER THE HAWAIIAN HOMES COMMISSION (HHCA) ACT OF 1920 EQUITABLE PROPERTY RIGHTS; AND RATIONAL ARGUMENTS AGAINST LOWERING THE BLOOD QUANTUM REQUIREMENTS FOR PURPOSES OF QUALIFYING AS AN ORIGINAL LESSEE UNDER THE HHCA OF 1920"

for

Congressional Oversight Hearings
On the Hawaiian Homes Commission Act of 1920
And Implementation of the Findings of
The 1983 Federal-State Task Force on the HHCA

being held by the

U.S. Senate Select Committee on Indian Affairs

and the

U.S. House Committee on Interior and Insular Affairs

101st Congress, 1st Session

Between August 7 through August 11, 1989
in the Hawaiian Islands

August 7, 1989

Dear Senators and Congressmen:

I am a qualified beneficiary under the Hawaiian Homes Commission (HHCA) Act of 1920, as amended, 42 Stat. 108 et seq. (1921) and of **"not less than one-half part of the blood of the races of people inhabiting the Hawaiian Islands previous to 1778"**. I presently serve as a law clerk with the United States Department of Justice in Washington, D.C. and Secretary of the Native American Law Students Association (NALSA) at the University of Colorado at Boulder, where I attend law school. I have been on the State of Hawaii Department of Hawaiian Home Lands (DHHL) waiting list for about ten years for a pasture lease as of this writing, while at the same time witnessing DHHL leasing our lands to persons and entities not contemplated by the HHCA. I am a U.S. Army veteran.

I support a plan that would allow the qualified beneficiaries to elect their own officials that, in turn, set policy controlling the beneficiaries collective resources encumbered within the HHCA and the Hawaii State (Admission Act) of 1959, Section 5(f) land trusts. See § 4 and § 5(f) of the Admission Act. Exhibit A. This is a rational half-step, not a radical leap, that goes to effecting a self-determination plan that allows beneficiaries to control their own resources and resume exercise of rights virtually suspended since the disastrous Mahele of 1848.

I am in total opposition to any effort to divest qualified beneficiaries of unenjoyed equitable property rights in their undivided communal lands encumbered within the HHCA and Admission Act of 1959, Section 5(f), by lowering the blood quantum requirements for the purposes of qualifying as an original lessee under the HHCA.

Any effort to lower the blood quantum requirements would lead to devastating results and permit higher blood quantum native Hawaiians to recede into a much larger pool of minimal quantum Hawaiians, whom will come forward and consume the bulk of the "benefits" not yet enjoyed by the qualified beneficiaries. Beyond that, it is important to bear in mind the higher blood quantum native Hawaiians comprise much or all of the dismal socio-economic profile directly connected with dispossession of their traditional lands since the time of the Mahele of 1848, and which same dismal socio-economic profile is simply not found among the minimal quantum Hawaiians.

As of July 1, 1988 there were over 17,643 qualified beneficiaries on the DHHL "waiting list" (See Exhibit B.); and this figure is an under representation of the actual number of qualified beneficiaries whom are lineal successors to persons dispossessed of their traditional lands since the Mahele of 1848. Many more have been discouraged from registering for their lands due to the way the State of Hawaii has administered their undivided lands for about the last 30 years; many more are not yet accounted for and still many others presently gather documentation to satisfy requirements at DHHL --- and all these qualified beneficiaries constitute just the tip of the iceberg.

For those qualified beneficiaries on the waiting list, some of whom have been waiting for over 36 years, they have witnessed the State of Hawaii DHHL irresponsibly leasing lands they have been waiting for to persons and entities not contemplated by the HHCA of 1920. See Exhibit C.

In other areas, officials of the State of Hawaii have actively sought to divest beneficiaries of unrealized property rights by various methods, seeking to build a record for lowering the blood quantum requirements for purposes of qualifying as an original lessee, and thus, enable people with vast landholdings who have exploited and dispossessed native Hawaiians from their lands since 1848 to become themselves "native Hawaiian" and control the Hawaiian Homes and the Admission Act Section 5(f) land trusts, thereby concluding a process begun in 1848 to alienate the communal lands from the higher blood quantum native Hawaiian beneficiary (also referred to hereinafter as the 50% plus blood) community.

I squarely oppose the State of Hawaii's Office of Hawaiian Affairs (OHA) current underhanded and unlawful effort to divest the qualified beneficiaries of their unrealized equitable property rights, by their attempts to circumvent federal law and lower the blood quantum requirements for the purposes of qualifying as an original lessee under the HHCA, under the guise of a "Single Definition Referendum". See Exhibit D.

HISTORY:

The source of all equitable title of the qualified beneficiaries to their undivided communal lands encumbered today within the HHCA and the Admission Act 5(f) lands, (See Exhibit E.,) is established by prior claim in use and occupancy of the traditional lands in the Hawaiian Islands. This use and occupancy by the common native Hawaiians over their traditional lands has been exercised since time immemorial.

Beginning in 1839, under the reign of Kamehameha III, within a document entitled Declaration of Rights of 1839 (Declaration), there was an enunciation of certain principles reduced to written law, articulating protection of the common native Hawaiians' equitable interest in the communal lands of Hawaii. It stated in part:

> "Protection is hereby secured to the person of all the people, **together with their lands**, their building lots, and all their property, while they conform to the laws of the kingdom, and nothing whatever shall be taken from any individual **except by express provision of the laws.**" [Emphasis added.]

The Declaration also expressed the fiduciary obligations of the government to the welfare of the commoners which stated in part:

> "God has also established government, and rule for the purpose of peace; but in making laws for the nation it is by no means proper to enact laws for the protection of the rulers only, without also providing for the protection of their subjects; neither is to proper to enact laws to enrich the chiefs only, without regard to enriching their subjects also, and hereafter there **shall by no means be any laws enacted which are at variance with what is above expressed**, neither shall any tax be assessed, nor any service or labor required of any man, in manner which is at variance with the above sentiments." [Emphasis added.]

Under the reign of Kamehameha III, Hawaii's first Constitution of 1840 was enacted into law. It translated and codified into black letter law traditional concepts of legal and equitable title to communal lands of the Hawaiian Islands:

> "Kamehameha I, was the founder of the Kingdom, and to him belonged all the land from one end of the Islands to the other, though **it was not his own private property. It belonged to the chiefs and people in common**, of whom Kamehameha I was the head, and had management of the landed property. [Emphasis added.]

In 1846 the document called the Principles Adopted by the Board to Quiet Land Titles in the Adjudication of Claims Presented To Them (Principles), enunciated the historical, legal and equitable elements of the traditional system of land tenure recognized by the government of Hawaii, four years before the passage of the Kuleana Act. In summary, the Principles stated that only three parties had vested rights in the communal lands of Hawaii: The King, the Konohiki/landlord and the tenant/commoner.

In 1848, Kamehameha III and his chiefs divided the communal lands of Hawaii between themselves. According to the Principles each class (the King and his heirs, the chiefs and their heirs, and the common native Hawaiians and their heirs) were to have received 33 1/3 per cent, but in actual distribution the king received 22.8 per cent, and the chiefs received 39.2 per cent. Native Hawaiians (commoners in general) were to have received the remaining 33 1/3 per cent, but they obtained only 0.7 per cent. This arose from the fact that many chiefs and ali'i (paramount chiefs) who obtained large tracts of land precluded the registration of claims by people who tilled the land, and for many other reason. Many great war chief who protested the partitioning of the lands or for other reasons suffered the consequences of themselves being dispossessed of their traditional lands just as those who tilled the land.

By such dispossession, the lands awarded to the cooperating chiefs and ali'i were cleared of the interest of those who subsisted on such lands, and thereby made such lands available for the exclusive use of cattle, goat and sheep to serve the needs of American and European explorers, whalers, and traders and sugar growers who needed large tracts of land. The chiefs and ali'i who profited from the dispossession they had instrumented in breach of their fiduciary duties toward the people they had served could now move full force to exploit such lands to satisfy their unconscionable exploitative practices and tastes.

For the few people who received some of the parcels they had used to provide for their subsistence, the traditional practice to maintain the fertility of the lands by rotation of the lands could no longer be practiced because they were granted awards under the Mahele only to lands they had under cultivation. Land in fallow to rebuild the fertility were given to the chiefs as lands not in use and therefore not required for subsistence by the people who worked the lands. The effect of the mahele to the people who tilled the land was disastrous as crop failures followed declining fertility.

In cynical grace after dispossessing a great number of people from the lands they had tilled, the government allowed such dispossessed people the right to purchase in the Kuleana Land Grant Acts of 1850-54 the very same lands they were to have received without payment of any consideration under the Mahele of 1848, for these were their traditional lands and payment had to be in money which few possessed. Under the Kuleana Land Act only 8200 fee simple awards were granted to the commoners, representing only 0.7 per cent of the land area in the Hawaiian Islands, leaving a total outstanding remainder interest of 32.63 per cent in the undivided lands by the commoners. This has led at least one scholar, in part, to conclude that traditional commoner rights in the lands were not abrogated by the Kuleana Act, but remain essentially intact, and are available to descendants of commoners today. See Lam, Kuleana Act Revisited: Survival of Traditional Hawaiian Commoner Rights in Land, 64 Wash.L.Rev. 237.

Before a generation had elapsed, alienation of the few registered land holdings (8200 grants to the common Hawaiian people) began by adverse possession law enacted in 1870 during the reign of Kamehameha V, and also by fraudulent purchases, etc. But the vast bulk of the lands were those lands in which legal title was held by the Hawaii Monarchial government.

The Hawaiian Home Lands [206,000 acres] and the 5(f) lands [1,400,000 acres] have been positively identified as the very same traditional communal lands which remained undivided ever since the Mahele of 1848 and the Kuleana Acts of 1850-54, and which legal title of such lands remained with the Hawaiian Monarchy until its overthrow in 1893. Refer to Exhibit E. These traditional lands have remained undivided since 1854, and its legal title was held in a quasi-constructive trust by the Hawaiian government for the dispossessed people throughout the remainder of the monarchy, with equitable title remaining with those dispossessed people and their heirs whom did not receive a divided share of the communal lands under the Mahele nor Kuleana legislative acts. This equitable title by the dispossessed people has continued full force, and has survived the overthrow of the Monarchy in 1893.

OVERTHROW OF THE HAWAIIAN MONARCHY: OVERDUE

Many native Hawaiians in general, and those associated with the State of Hawaii Office of Hawaiian Affairs (OHA) in particular, are uninformed about the significance of these turn of events and wrongly believe that the dismal socio-economic profile found among the higher blood quantum native Hawaiian population and associated problems, are directly attributed to their being dispossessed of traditional lands in 1893, when Queen Liliuokalani was overthrown by foreigners whom had military assistance from the United States.

It is very important to note here that **native Hawaiians were dispossessed of their traditional lands about 45 years before the overthrow in 1893.** It is much more significant to note that the Hawaiian Monarchy maintained legal title to their traditional lands for 45 years and continued, maintained and perpetuated the status of the dispossessed heirs for those same 45 years, making little or no effort at all to carry out the Principles which were supposed to govern the Mahele of 1848. This, of course, is in addition to the glaring and often denied fact that **native Hawaiians were dispossessed** of their traditional lands **by the Hawaii Monarchy itself** in 1848 and 1850-54, and which dispossession is the root cause of the catastrophic demise of the higher blood quantum native Hawaiian population which plummeted from about 800,000 in 1778 to about 40,000 in 1920. See D. Stannard, Before the Horror: The Population of Hawai'i on the Eve of Western Contact 78-80 (1989).

After the overthrow in 1893, legal title to those undivided lands were assumed by the Provisional government, but equitable title survived and remained with those persons and heirs whom did not enjoy an interest to those undivided communal lands in 1848 nor 1850-54.

In 1895, legal title to the undivided lands (about 1,600,000 acres) were assumed by the Republic of Hawaii government, but the equitable title survived and remained with those persons and heirs whom did not enjoy their interest to those lands not alienated in the Mahele of 1848 nor the Kuleana Land Grant Act of the 1850's.

UNITED STATES ASSUMES LEGAL TITLE, NATIVE HAWAIIANS RETAIN EQUITABLE TITLE

In 1898, legal title to the undivided lands were ceded by treaty to the United States government, but equitable title remained with those persons and heirs whom did not enjoy their interest in the Mahele of 1848 nor the Kuleana Land Grant Acts of 1850-54, and which unextinguished equitable interest remains basically intact.

In 1921, legal title to a part of those undivided traditional lands (206,000 acres) was retained by the United States which specifically designated those 206,000 acres to benefit native Hawaiians as defined in the Hawaiian Homes Commission Act of 1920, i.e. "any descendant of not less than one-half part of the blood of the races of people inhabiting the Hawaiian Islands previous to 1778" (also referred hereinafter as 50% plus blood).

This action is best viewed as allowing beneficiaries of the Act to resume exercise of equitable property rights within those 206,000 acres of undivided communal lands, in forms of pasture, agricultural and houselot leases at nominal rates for 99 year periods. This effectively allowed for the resumption of equitable property rights suspended 73 years previous to 1921, and which suspension was commenced under the rule of the Hawaiian Monarchy.

It is important to recognize that when Congress acted in behalf of native Hawaiians (whom held no legal title to their unextinguished interest over traditional communal lands) in 1920, Congress did no more than codify into black letter law and in concepts most understandable to them, the articulation of making available opportunities for native Hawaiians to resume enjoyment of unextinguished interests in such lands; a communal possessory interest exercised since time immemorial that included, among many other rights, rights to move from village to village, from district to district and from island to island together with all gathering rights established by traditional usage of that area they chose to subsist in.

Thus, the terms "rehabilitate the native Hawaiian" and "native Hawaiian wards" are all artificial terms -- legal fictions -- designed to capture and articulate vague concepts which all converge on, and can be reduced to, restoring exercise of equitable property rights over traditional communal lands to native Hawaiians.

OUTNUMBERED AND OUTVOTED, THE QUALIFIED BENEFICIARIES DEFEND THE HHCA "NATIVE HAWAIIAN" DEFINITION

Whether by the genius of the collective conscious of the United States Congress (which some may suggest is a contradiction in terms) that evolves through debate, or by sheer accident, this definition of "native Hawaiian" found at § 201 (a)(7) of the HHCA of 1920, as amended, 42 Stat. 108 et seq. (1921), i.e. "any descendant of not less than one-half part of the blood of the races of people inhabiting the Hawaiian Islands previous to 1778", accurately describes the very same, distinctly native Hawaiian community of heirs alive today whom have not yet enjoyed their interest in lands divided in the Mahele of 1848 and the Kuleana Land Acts of 1850-54. This definition precisely depicts the very same community pool of individuals whom remain dispossessed, and which dispossession continues by official acts of the State of Hawaii that do not allow for settlement of the Hawaiian Homestead nor the 5(f) lands by the qualified beneficiaries on as widespread a basis as possible as Congress intended.

This definition finally arrived at by Congress in 1921 accurately identifies that pool of individuals and heirs whom have not yet realized their equitable property rights in lands not divided in the Mahele of 1848 and the Kuleana Grants of 1850-54.

Since 1921, qualified beneficiaries have consistently defended the definition of "native Hawaiian" as defined in the HHCA against attacks by person and entities, (some of whom are heirs to those whom have already enjoyed their property rights to lands alienated in the Mahele of 1848, and which same persons persist at furthering that repugnant form of "royalty" responsible for the cataclysmic demise in the population of the higher blood quantum native Hawaiians described earlier,) and others whom do not meet the qualifications, yet seek to divest the unrealized equitable property rights from the qualified beneficiaries community whom continue waiting for their lands, some for as long as 36 years.

Another way to look at this is by way of analogy, say, of two languages describing the very same substantive action. For example, the French would say, "move a chair from point A to point B" in one manner understandable to them in their native language. But the English would say in their own language and in terms suitable to their understanding, a description of the same substantive action --- both languages describe the same act --- but in two very different languages. Here also, the native Hawaiian commoners possessing unextinguished property rights are identified as "not less than one-half" by the Americans, but also fit our description of those dispossessed heirs to persons whom did not enjoy an interest under the Mahele of 1848 nor the Kuleana Land Grant Acts of 1850-54.

By estoppel, this definition of "native Hawaiian", though first articulated in Washington, D.C., has already been accepted and ratified as our own definition by virtue of our consistent defense of such definition for over 68 years since its first enactment in 1921, and for about 30 years Hawaii has been a state since 1959, and which defense has been carried out by persons and heirs whom have not yet enjoyed their interest in such lands.

I mention this as a signal to later discussion by those persons (you will find many of them employed at OHA) seeking to divest the unenjoyed property rights of the qualified beneficiaries. They argue, ineffectively, the definition of the qualified native Hawaiian beneficiaries was not created by native Hawaiians, but by "Haoles" in Washington, D.C., and thus, not self-determined.

What they will conceal from mentioning to you in order to reveal less than the whole truth, is the qualified beneficiaries vigorous and bitter defense of such definition ever since 1921. As such, this definition has been accepted as our definition.

Another way to view this is that U.S. Congress enacted into their law the definition at § 201 (a)(7) of the HHCA in 1921, and the native Hawaiians subsequently accepted this definition, and have since relied on that law of the United States in order to protect their interests codified into law under the HHCA and the Admission Act.

A vast majority of qualified beneficiaries feel this definition is the most accurate description of, and best protection for, that pool of heirs whom have not realized their equitable property interest in lands not divided in the Mahele of 1848 and subsequent Kuleana legislative acts --- a majority which OHA seeks to subvert by taking figures from those not qualified under the HHCA ("Hawaiians") and asking these non-beneficiaries if they want a single definition for purposes of receiving "benefits" and manipulating the figures with those gathered from qualified beneficiaries resisting such a move, in order to arrive at their converted statistics deceptive conclusion that a "majority" of all Hawaiians want a single definition. Refer to Exhibit C. This engagement in deception by OHA is just one more piece of evidence, one more straw on the back of the camel, in a concerted effort to, once and for all, break the blood quantum and strip the beneficiaries of rights not yet enjoyed by them.

CREATION OF THE STATE OF HAWAII IN 1959

In 1959, legal title to much of the remaining undivided communal lands (1,400,000 acres) were ceded to the newly formed state of Hawaii in §5(f) of the Hawaii Admissions Act of 1959, to be held as a public trust to benefit two classes beneficiaries: (1) the general public and (2) native Hawaiians as defined in the HHCA.

For twenty years after the Admission Act §5(f) land trust was created upon admission of Hawaii into the federal union, the state of Hawaii systematically lay buried said trust. Even after it was opened, the state made only token concessions.

To insure full implementation of the Congressional mandates, Ho'ala Kanawai, Inc. (Awakening of the Law) organized as a non-profit organization in 1977. This non-profit organization held more than sixty educational workshops throughout the state on the subject of the Admission Act §5(f) land trust.

FRAUD OF THE OFFICE OF HAWAIIAN AFFAIRS; EFFORT TO DIVEST QUALIFIED BENEFICIARIES UNDER COLOR OF STATE LAW

Elected officials from the general public in the state of Hawaii whom are, by and large, themselves not qualified beneficiaries and represent the general public, (some of whom have displayed continual resentment and hostility towards those beneficiaries asserting their federally created rights, See Sonny Kaniho Story) have either ignored the qualified beneficiaries' federally created rights or taken discrete steps to divest the beneficiaries of their unrealized rights, by attempting to lower the blood quantum requirements.

This of course would allow the higher quantum native Hawaiians (whom comprise the dismal socio-economic profile simply not found among minimal quantum Hawaiians) to recede into a much larger pool of many, many more minimal quantum Hawaiians who will come forward and absorb the bulk of "benefits" not yet enjoyed by the qualified beneficiaries.

In point of fact, the state of Hawaii moved to divest the qualified beneficiaries in a 1978 Constitutional Convention move that created a class of "Hawaiians" (no minimal quantum) -- whom are actually members of the general public -- but who were to enjoy "benefits" from the §5(f) trust which had been compacted by the U.S. and state of Hawaii in 1959 to go to the qualified beneficiaries under the HHCA.

As a direct result of the Section 5(f) workshops by Ho'ala Kanawai, Inc. mentioned previously in my testimony, a movement to take the Section 5(f) land trust away from native Hawaiians (50% plus blood) emerged under the cover of the Office of Hawaiian Affairs.

The creation of the Office of Hawaiian Affairs was tainted by rigging the adoption of the Office as a part of the Constitution of the state of Hawaii (Article XII, Section 5 and 6) to count "no" votes as "yes" votes. The significance of the office lay buried until a group of native Hawaiians (50% plus blood) and others sued the Office in 1981 for spending tax monies for Hawaiians (no minimal blood) as being unconstitutional. The trustees of said Office brazenly responded that they are the State of Hawaii.

The court ruled that the definition had not been validly ratified by the public. Kahalekai v. Doi, 60 H. 324, 590 P.2d 555 (1979). The legislature of the State of Hawaii, comprised mainly of non-beneficiaries representing a constituency hostile to qualified beneficiaries, reacted and pushed into State of Hawaii law, the "Hawaiian" definition the court had earlier found to be invalid, in order to "give effect" to the State of Hawaii Constitutional plan to submerge the interests of the beneficiaries and lay ground work for eventually stripping the lands and benefits not yet enjoyed by the beneficiaries; proceeding invidiously under the pretense that they wanted to serve "all" Hawaiians, qualified beneficiaries and minimal quantum Hawaiians (whom are one and the same as the general public). This allowed for "Hawaiians" to vote in the first OHA election and begin to build a record and by using our resources (that OHA was to use exclusively for qualified beneficiaries,) in order to set the stage for the final move to divest beneficiaries of yet to be realized benefits.

A significant number of qualified beneficiaries took the alternative to boycott the election of trustees for the Office. The Kahoolawe Ohana publicly opposed the Office and the move to eliminate native Hawaiians (50% plus blood) and to take over the Hawaiian Homes and Admission Act Section 5(f) land trusts in the process.

THE OFFICE OF HAWAIIAN AFFAIRS AND THE LOWER BLOOD QUANTUM MOVEMENT

Official moves to lower the blood quantum to be a "native Hawaiian" began on June 25, 1975 when one of the U.S. Senators, Senator Hiram Fong, (Hawaii) amended the definition of "native Hawaiian" as it is defined in the Hawaiian Homes Commission Act, 1920, i.e. 50% plus blood, in the Native American Programs Act of 1974 to virtually nothing so as to treat "the Hawaiian the same as an American Indian and Native Alaskan."

Since that fateful day, the true native Hawaiian (50% plus blood) has had to contend with the people with minimal Hawaiian blood who call themselves "native Hawaiian" for the purposes of qualifying for "benefits" provided by the Administration for Native Americans and other government agencies and to subvert the vested interests of the native Hawaiians (50% plus blood).

One of the direct effects of such practices has been the providing of monopoly funding and technical assistance by the Administration for Native Americans without competition to organizations serving people with minimal Hawaiian blood using the native Hawaiian (50% plus blood) dismal socio-economic profile to justify such funding. The effect has been to strengthen the capability of the minimal blood Hawaiians at the expense of the native Hawaiians (50% plus blood) to undermine, undercut and eventually defeat the unenjoyed vested interests of the qualified beneficiaries (50% plus blood).

In focusing on the state of Hawaii created Office of Hawaiian Affairs, the trustees of such office sought to spend monies on "Hawaiians" (whom are actually members of the general public) at the expense of the qualified beneficiaries "native Hawaiians" (which were derived from the ceded land 5(f) trust and was expressly limited to native Hawaiians [50% plus blood]), until they were told not to spend the proceeds derived from the 5(f) land trust by the Attorney General of the State of Hawaii. Op. Att'y Gen. No. 83-2 (1983).

Since that time, state officials at OHA have been planning other methods of circumventing the law, in order to break the blood quantum restriction, so that they can serve "all Hawaiians" --- and at the same time the qualified beneficiaries have not been able to enjoy any benefits from the §5(f) land trusts, neither proceeds nor possessory interests to the §5(f) lands.

Efforts to break the blood quantum again surfaced recently under guise of a "single definition" referendum. OHA purposely sought to subvert the vested interest of the qualified beneficiaries by taking figures from those not qualified under the HHCA ("Hawaiians") and **asking these non-beneficiaries if they wanted a single definition** for purposes of receiving "benefits" and manipulating the figures with those gathered from qualified beneficiaries resisting such a move, in order to arrive at their doctored statistics deceptive conclusion that a "majority" of all Hawaiians want a single definition. Refer to Exhibit C.

This engagement in deception by OHA is just one more piece of evidence, one more straw on the back of the camel, in a concerted effort by OHA and the general public to break the blood quantum and strip beneficiaries of rights not yet enjoyed by them once and for all, thus concluding that process begun in 1848.

Such action will eliminate the 50% plus blood, distinctly native Hawaiian qualified beneficiary class without the review, consultation, and approval of native Hawaiians (50% plus blood), and enable people with vast land holdings who have exploited native Hawaiians and their lands to become themselves "native Hawaiian" and control the Hawaiian Home and Admission Act Section 5(f) land trusts, and thereby conclude a process begun in 1848 to alienate the communal lands from native Hawaiians (50% plus blood).

These and many other abominable actions depicts the plight of native Hawaiians (50% plus blood) who simply wish to subsist on their ancestral lands under unextinguished rights to such lands. But the presence of native Hawaiians (50% plus blood) has always been taken to be obstructions to exploitation of the lands. The exploiters and suppressors are in far away places such as D.C. and in the Hawaiians Islands. They are persons with knowledge, influence, power and control, who profess to know what is best for "their" people, which lead such people to do what is best for themsleves. In 1819, such people banned the practice of traditional culture, before the arrival of the Christian missionaries, and thereby undercutted the foundation of the entire society. A century later, such people banned the language of the Hawaiian people. Today such people, seek to wipe out the native Hawaiians (50% plus blood) as a class and take over their possessions.

A succinct analysis and prognosis of such people was made by Lt. General John M. Schofield in his memoir Forty-Six Years in the Army at page 432, based upon his intelligence visit to Hawaii for the United States in 1872 as follows:

> "The continuous and rapid decay of all the ancient families of chiefs, from which alone would the people ever think of electing a king or a queen, and the notorious corruption in blood and character of the few remaining half-castes nominally belonging to those ancient families, made it plain to all that the monarchial government must soon die a natural death or become so intolerably corrupt as to make its overthrow inevitable."

CONCLUSION:

The Congress of the United States should be put on notice of the efforts of the State of Hawaii created agency, the Office of Hawaiian Affairs (OHA), taking aim to eliminate the class of native Hawaiian (50% plus blood) beneficiaries, under the false pretense that it will "help insure the survival of our race". Nothing could be further from the truth, in fact, the direct opposite is much more true and accurate: such action aims to eliminate qualified beneficiaries and insure delivery of the killing blow to the common people dispossessed of their lands over 141 years ago and who remain dispossessed today, continuing to wait for their lands on the State of Hawaii Department of Hawaiian Home Lands (DHHL) waiting list, while at the same time DHHL leases the same lands to persons and entities not contemplated by the HHCA of 1920.

In light of the above testimony, and for other reasons, as a qualified beneficiary under the HHCA of 1920, I expressly request;

1. for the Congress of the United States not consider any changes, whatsoever, as to the qualifications of the original lessees under the Hawaiian Homes Commission Act (HHCA) of 1920, i.e. **do not lower the blood quantum for the original lessees;**

2. that your committees work on the statutory language which would allow qualified beneficiaries to bring suit at the federal level against the officials of the State of Hawaii in order to vindicate federally created rights under the HHCA and Admissions Act, to overcome the procedural obstacles of the Keaukaha I and II, and Price decisions of the 9th Circuit Court;

3. that Congress in general and your committees in particular, (which are working parts of the larger body of Congress,) repudiate the efforts of the state of Hawaii's Office of Hawaiian Affairs (OHA) to eliminate the "not less than one-half" definition of native Hawaiian under the HHCA of 1920, under a guise of a "single definition" plan, thereby lowering the blood quantum requirement and laying the foundation for divesting the unrealized benefits of the qualified beneficiary community;

4. that your committees commence work on statutory language that would allow qualified beneficiaries to elect the Director of the State of Hawaii Department of Hawaiian Home Lands Director and the Commissioners of the Hawaiian Homes Commission, (HHC); that your committees not view the problems of the State of Hawaii Office of Hawaiian Affairs (with their innumerable "Hawaiian" [no minimal blood quantum] constituency) as preempting lawful exercise by qualified beneficiaries electing their own officials that effect policy over their resources encumbered within the HHCA and the Admission Act Section 5(f);

6. that your committees work on statutory language that would prohibit all land exchanges in order to avoid abuses, (i.e. the recent decision to trade 210 acres on the island of Hawaii, for 13 useless acres in the industrial district of Honolulu, island of Oahu,) so that hereinafter acreage is traded in view of the maximum number of qualified beneficiaries that may be settled on a particular property, and not viewed in terms of the amount of revenues that can be generated in order to (reinvent the wheel and) see how much revenues are needed to settle the qualified beneficiaries on the lands;

7. that your committees work on statutory language that would expressly allow for homesteading by qualified beneficiaries on the Admission Act § 5(f) lands, in terms identical to those articulated under the Hawaiian Homes Commission Act of 1920; since the § 5(f) lands were not granted in fee simple by the U.S. to Hawaii in 1959 but were granted in a public trust instead, and the U.S. retains a right of reverter under power to bring a breach of trust suit, therefore, those § 5(f) lands are subject to defeasance and can be made available to qualified beneficiaries in forms of pasture, agricultural and houselot leases at nominal rates for 99 years; or, in the alternative, leases be made available to qualified beneficiares on § 5(f) lands in consistancy with black letter law presently expressed on the books at § 5(f) which states in part that:

> "[t]he lands granted to the State of Hawaii...together with the proceeds...shall be held as a public trust...for the betterment of the conditions of native Hawaiians, as defined in the Hawaiian Homes Commission Act of 1920...". [Emphasis added.]

8. that your committees work on statutory language that would terminate all "General Leases" now made to persons and entities not qualified as beneficiaries under the Hawaiian Homes Commission Act of 1920, and meager revenues now being generated by General Leases at distress rates cease to continue, and all revenues be appropriated hereafter by the State and Federal Governments so that all the DHHL lands are made available to qualified beneficiaries for homesteading purposes in the forms of pasture, agricultural and houselot leases;

9. that your committees not attempt to amend the definition of "native Hawaiian as defined in the Hawaiian Homes Commission Act of 1920" by relying on the State of Hawaii's Office of Hawaiian Affairs manipulated "Single Definition Referendum" and its fraudulent conclusions.

Sincerely,

Emmett Lee Loy
Law Clerk, US Dept. of Justice

§ 4.

As a compact with the United States relating to the management and disposition of the Hawaiian home lands, the Hawaiian Homes Commission Act, 1920, as amended, shall be adopted as a provision of the Constitution of said State, as provided in section 7, subsection (b) of this Act, subject to amendment or repeal only with the consent of the United States, and in no other manner: Provided, That (1) sections 202, 213, 219, 220, 222, 224, and 225 and other provisions relating to administration, and paragraph (2) of section 204, sections 206 and 212, and other provisions relating to the powers and duties of officers other than those charged with the administration of said Act, may be amended in the constitution, or in the manner required for State legislation, but the Hawaiian home-loan fund, the Hawaiian home-operating fund, and the Hawaiian home-development fund shall not be reduced or impaired by any such amendment, whether made in the constitution or in the manner required for State legislation, and the encumbrances authorized to be placed on Hawaiian home lands by officers other than those charged with the administration of said Act, shall not be increased, except with the consent of the United States; (2) that any amendment to increase the benefits to lessees of Hawaiian home lands may be made in the constitution, or in the manner required for State legislation, but the qualifications of lessees shall not be changed except with the consent of the United States; and (3) that all proceeds and income from the "available lands", as defined by said Act, shall be used only in carrying out the provisions of said Act.

CASE NOTES

Purpose of Homes Commission Act. — Under the Hawaiian Homes Commission Act (HHCA), the federal government set aside certain public lands to be considered Hawaiian home lands, to be utilized in the rehabilitation of native Hawaiians, thereby undertaking a trust obligation benefiting the aboriginal people, and the State of Hawaii assumed this fiduciary obligation upon being admitted into the union as a state. Ahuna v. Department of Hawaiian Home Lands, 64 Haw. 327, 640 P.2d 1161 (1982).

Enforcement of rights. — While the management and disposition of the home lands was given over to the State of Hawaii with the incorporation of the Homes Commission Act into the state Constitution, the trust obligation is rooted in federal law, and power to enforce that obligation is contained in federal law. Keaukaha-Panaewa Community Ass'n v. Hawaiian Homes Comm'n, 739 F.2d 1467 (9th Cir. 1984).

Enforcement of Homes Commission Act. — The Admission Act does not create an implied cause of action by which a private party may enforce the duties and obligations imposed by the act. Keaukaha-Panaewa Community Ass'n v. Hawaiian Homes Comm'n, 588 F.2d 1216 (9th Cir. 1978), cert. denied, 444 U.S. 826, 100 S. Ct. 49, 62 L. Ed. 2d 33 (1979).

Federal question jurisdiction. — A native Hawaiian tribal body seeking to compel the State of Hawaii to apply the proceeds from the Hawaiian Home Lands Trust to finance the distribution of land for the benefit of native Hawaiians did not qualify for 28 U.S.C. § 1362 jurisdiction, but did qualify for federal question jurisdiction. Price v. Hawaii, 764 F.2d 623 (9th Cir. 1985), cert. denied, 474 U.S. 1055, 106 S. Ct. 793, 88 L. Ed. 2d 771, rehearing denied, 475 U.S. 1091, 106 S. Ct. 1482, 89 L. Ed. 2d 736 (1986).

Cited in Keaukaha-Panaewa Community Ass'n v. Hawaiian Homes Comm'n, 502 F. Supp. 392 (D. Haw. 1980).

OPINIONS OF ATTORNEY GENERAL

For a discussion of the mode for amending the Hawaiian Homes Commission Act, see Op. Att'y Gen. No. 61-21 (1961).

LEGAL PERIODICALS

University of Hawaii Law Review.

Article, The Constitutionality of the Office of Hawaiian Affairs, 7 U. Haw. L. Rev. 63 (1985).

§ 5.

(a) Except as provided in subsection (c) of this section, the State of Hawaii and its political subdivisions, as the case may be, shall succeed to the title of the Territory of Hawaii and its subdivisions in those lands and other properties in which the Territory and its subdivisions now hold title.

(b) Except as provided in subsections (c) and (d) of this section, the United States grants to the State of Hawaii, effective upon its admission into the Union, the United States' title to all the public lands and other public property, and to all lands defined as "available lands" by section 203 of the Hawaiian Homes Commission Act, 1920, as amended, within the boundaries of the State of Hawaii, title to which is held by the United States immediately prior to its admission into the Union. The grant hereby made shall be in lieu of any and all grants provided for new States by provisions of law other than this Act, and such grants shall not extend to the State of Hawaii.

(c) Any lands and other properties that, on the date Hawaii is admitted into the Union, are set aside pursuant to law for the use of the United States under any (1) Act of Congress, (2) Executive order, (3) proclamation of the President, or (4) proclamation of the Governor of Hawaii shall remain the property of the United States subject only to the limitations, if any, imposed under (1), (2), (3), or (4), as the case may be.

(d) Any public lands or other public property that is conveyed to the State of Hawaii by subsection (b) of this section but that, immediately prior to the admission of said State into the Union, is controlled by the United States pursuant to permit, license, or permission, written or verbal, from the Territory of Hawaii or any department thereof may, at any time during the five years following the admission of Hawaii into the Union, be set aside by Act of Congress or by Executive order of the President, made pursuant to law, for the use of the United States, and the lands or property so set aside shall, subject only to valid rights then existing, be the property of the United States. [Am July 12, 1960, Pub L 86-624, 74 Stat 422]

(e) Within five years from the date Hawaii is admitted into the Union, each Federal agency having control over any land or property that is retained by the United States pursuant to subsections (c) and (d) of this section shall report to the President the facts regarding its continued need for such land or property, and if the President determines that the land or property is no longer needed by the United States it shall be conveyed to the State of Hawaii.

(f) The lands granted to the State of Hawaii by subsection (b) of this section and public lands retained by the United States under subsections (c) and (d) and later conveyed to the State under subsection (e), together with the proceeds from the sale or other disposition of any such lands and the income therefrom, shall be held by said State as a public trust for the support of the public schools and other public educational institutions, for the betterment of the conditions of native Hawaiians, as defined in the Hawaiian Homes Commission Act, 1920, as amended, for the development of farm and home ownership on as widespread a basis as possible for the making of public improvements, and for the provision of lands for public use. Such lands, proceeds, and income shall be managed and disposed of for one or more of the foregoing purposes in such manner as the constitution and laws of said State may provide, and their use for any other object shall constitute a breach of trust for which suit may be brought by the United States. The schools and other educational institutions supported, in whole or in part out of such public trust shall forever remain under the exclusive control of said State; and no part of the proceeds or income from the lands granted under this Act shall be used for the support of any sectarian or denominational school, college, or university.

(g) As used in this Act, the term "lands and other properties" includes public lands and other public property, and the term "public lands and other public property" means, and is limited to, the lands and properties that were ceded to the United States by the Republic of Hawaii under the joint resolution of annexation approved July 7, 1898 (30 Stat. 750), or that have been acquired in exchange for lands or properties so ceded.

(h) All laws of the United States reserving to the United States the free use or enjoyment of property which vests in or is conveyed to the State of Hawaii or its political subdivisions pursuant to subsection (a), (b), or (e) of this section or reserving the right to alter, amend, or repeal laws relating thereto shall cease to be effective upon the admission of the State of Hawaii into the Union.

(i) The Submerged Lands Act of 1953 (Public Law 31, Eighty-third Congress, first session, 67 Stat. 29) and the Outer Continental Shelf Lands Act of 1953 (Public Law 212, Eighty-third Congress, first session, 67 Stat. 462) shall be applicable to the State of Hawaii, and the said State shall have the same rights as do existing States thereunder.

Historical note. — The Act of December 23, 1963, Pub. L. 88-233, 77 Stat. 472, provides:

"That (a)(i) whenever after August 21, 1964, any of the public lands and other public property as defined in section 5(g) of Public Law 86-3 (73 Stat. 4, 6), or any lands acquired by the Territory of Hawaii and its subdivisions, which are the property of the United States pursuant to section 5(c) or become the property of the United States pursuant to section 5(d) of Public Law 86-3, except the lands administered pursuant to the Act of August 25, 1916 (39 Stat. 535), as amended, and (ii) whenever any of the lands of the United States on Sand Island, including the reef lands in connection therewith, in the city and county of Honolulu, are determined to be surplus property by the Administrator of General Services (hereinafter referred to as the "Administrator") with the concurrence of the head of the department or agency exercising administration or control over such lands and property, they shall be conveyed to the State of Hawaii by the Administrator subject to the provisions of this Act.

(b) Such lands and property shall be conveyed without monetary consideration, but subject to such other terms and conditions as the Administrator may prescribe: Provided, That, as a condition precedent to the conveyance of such lands, the Administrator shall require payment by the State of Hawaii of the estimated fair market value, as determined by the Administrator, of any buildings, structures, and other improvements erected and made on such lands after they were set aside. In the event that the State of Hawaii does not agree to any payment prescribed by the Administrator, he may remove, relocate, and otherwise dispose of any such buildings, structures, and other improvements under other applicable laws, or if the Administrator determines that they cannot be removed without substantial damage to them or the lands containing them, he may dispose of them and the lands involved under other applicable laws, but, in such cases he shall pay to the State of Hawaii that portion of any proceeds from such disposal which he estimates to be equal to the value of the lands involved. Nothing in this section shall prevent the disposal by the Administrator under other applicable laws of the lands subject to conveyance to the State of Hawaii under this section if the State of Hawaii so chooses.

"Sec. 2. Any lands, property, improvements, and proceeds conveyed or paid to the State of Hawaii under section 1 of this Act shall be considered a part of public trust established by section 5(f) of Public Law 86-3, and shall be subject to the terms and conditions of that trust."

Cross references. — As to special land and development fund, see § 171-19.

CASE NOTES

I. General Consideration.
II. Public Lands.
III. Homes Commission Act.

I. GENERAL CONSIDERATION.

High seas not within territorial boundaries. — The boundaries of Hawaii are fixed at three nautical miles from the line of ordinary low water surrounding each and every one of the islands composing the State of Hawaii. Beyond that "3-mile" boundary line around each island lie the high seas, which roll unchecked through the channels between the islands. Neither those intervening seas nor the floors thereof are within the boundaries of Hawaii. Civil Aeronautics Bd. v. Island Airlines, 235 F. Supp. 990 (1964), aff'd, 352 F.2d 735 (9th Cir. 1965).

Enforcement action by state against United States not allowed. — State's action against the federal budget director, seeking to obtain an order requiring him to withdraw his advice to federal agencies regarding lands obtained by the United States through purchase, condemnation or gift, was a suit against the United States and, absent its consent, could not be maintained by the state. Hawaii v. Gordon, 373 U.S. 57, 83 S. Ct. 1052, 10 L. Ed. 2d 191 (1963).

Enforcement by Hou Hawaiian tribe. — Hou Hawaiian tribe did not have either a private cause of action or an implied private cause of action regarding enforcement of this section's trust provisions for the betterment of native Hawaiians. Price v. Hawaii, 764 F.2d 623 (9th Cir. 1985), cert. denied, 474 U.S. 1055, 106 S. Ct. 793, 88 L. Ed. 2d 771, rehearing denied, 475 U.S. 1091, 106 S. Ct. 1482, 89 L. Ed. 2d 736 (1986).

Kahoolawe Island. — The United States did not lose title to Kahoolawe Island when its need for the island allegedly ceased, as the President has never made a discretionary decision that the land is no longer needed. Therefore, while the use of the island, one of apparent religious significance, as a bombing target may be regrettable, it could not be blocked, and convictions for illegal trespass could not be overturned on the ground that the government was without title to the island. United States v. Mowat, 582 F.2d 1194 (9th Cir.), cert. denied, 439 U.S. 967, 99 S. Ct. 458, 58 L. Ed. 2d 426 (1978).

Cited in Keaukaha-Panaewa Community Ass'n v. Hawaiian Homes Commission, 502 F. Supp. 392 (D. Haw. 1980); Hoohuli v. Ariyoshi, 631 F. Supp. 1153 (D. Haw. 1986); Trustees of Hawaiian Affairs v. Yamasaki, Haw. , 737 P.2d 446 (1987).

II. PUBLIC LANDS.

Public lands held in trust for people. — Excepting lands set aside for federal purposes, the equitable ownership of public land in Hawaii has always been in its people. Upon admission, trusteeship to such land was transferred to the state, and such land has remained in public trust since that time. State ex rel. Kobayashi v. Zimring, 58 Haw. 106, 566 P.2d 725 (1977).

Lands included in the public trust. — Under subsection (f), the United States conveyed the bulk of its Hawaiian land holdings to the newly formed state, with the instruction that the lands and all property subsequently conveyed by the United States to the state be held by the state as a public trust; the lands which had already been reserved for disposition by the Hawaiian homes commission under the Hawaiian Homes Commission Act of 1920 were included in the subsection (f) trust. Price v. Hawaii, 764 F.2d 623 (9th Cir. 1985), cert. denied, 474 U.S. 1065, 106 S. Ct. 793, 88 L. Ed. 2d 771, rehearing denied, 475 U.S. 1091, 106 S. Ct. 1482, 89 L. Ed. 2d 736 (1986).

The right to future lava extensions was conveyed to the United States at the time of annexation, and any lava extension thereafter created should be considered to be among the "lands and properties that were ceded to the United States by the Republic of Hawaii under the joint resolution of annexation." Such land passed to the state pursuant to subsection (b). State ex rel. Kobayashi v. Zimring, 58 Haw. 106, 566 P.2d 725 (1977).

III. HOMES COMMISSION ACT.

Enforcement of Homes Commission Act under federal law. — While the management and disposition of the home lands was given over to the state of Hawaii with the incorporation of the commission act into the state Constitution, the trust obligation is rooted in federal law, and power to enforce that obligation is contained in federal law. Keaukaha-Panaewa Community Ass'n v. Hawaiian Homes Comm'n, 739 F.2d 1467 (9th Cir. 1984).

Enforcement of Homes Commission Act by private person. — The Admission Act does not create an implied cause of action by which a private party may enforce the duties and obligations imposed by the act. Keaukaha-Panaewa Community Ass'n v. Hawaiian Homes Comm'n, 588 F.2d 1216 (9th Cir. 1978), cert. denied, 444 U.S. 826, 100 S. Ct. 49, 62 L. Ed. 2d 33 (1979); Keaukaha-Panaewa Community Ass'n v. Hawaiian Homes Comm'n, 739 F.2d 1467 (9th Cir. 1984).

OPINIONS OF ATTORNEY GENERAL

OHA
Application

Applicability of definition of "native Hawaiians." — The legislature may not, consistent with subsection (f) and Haw. Const., Art. XII, authorize the office of Hawaiian affairs to use funds derived from the public land trust to better the conditions of "Hawaiians," as defined in § 10-2, as distinguished from "native Hawaiians," as defined in subsection (f). Op. Att'y Gen. No. 83-2 (1983).

LEGAL PERIODICALS

Hawaii Bar Journal.

Article, A Case for Reparations for Native Hawaiians, 16 Haw. B.J. 13 (1981).

Article, Hawaiian Reparations: Nothing Lost, Nothing Owed, 17 Haw. B.J. 107 (1982).

University of Hawaii Law Review.

Comment, Hawaii's Ceded Lands, 3 U. Haw. L. Rev. 101 (1981).

Comment, State-Federal Jurisdictional Conflict over the Internal Waters and Submerged Lands of the Northwestern Hawaiian Islands, 4 U. Haw. L. Rev. 139 (1982).

1982 Survey, Laws Affecting the Development of Ocean Resources in Hawaii, 4 U. H L. Rev. 227 (1982).

Article, The Constitutionality of the Office of Hawaiian Affairs, 7 U. Haw. L. Rev. 63 (1985).

Recent Developments in Constitutional Law: Private Federal Causes of Action to Enforce the Trust of the Hawaiian Homes Commission — Keaukaha-Panaewa Community Association v. Hawaiian Homes Commission, 739 F.2d 1467 (9th Cir. 1984), 7 U. Haw. L. Rev. 569 (1985).

Note, Hawaii Surface Water Law: An Analysis of Robinson v. Ariyoshi, 8 U. Haw. L. Rev. 603 (1986).

§ 6.

As soon as possible after the enactment of this Act, it shall be the duty of the President of the United States to certify such fact to the Governor of the Territory of Hawaii. Thereupon the Governor of the Territory shall, within thirty days after receipt of the official notification of such approval, issue his proclamation for the elections, as hereinafter provided, for officers of all State elective offices provided for by the constitution of the proposed State of Hawaii, and for two Senators and one Representative in Congress. In the first election of Senators from said State the two senatorial offices shall be sepa-

HAWAIIAN HOMES COMMISSION ACT, 1920

(Act of July 9, 1921, c 42, 42 Stat 108)

Editor's note. — This Act is now part of the Hawaii Constitution and is subject to amendment or repeal as prescribed in Article XII of the Constitution.

Bracketed section headings have been inserted and are not official.

As to consent of Congress to amendments to this Act adopted between August 21, 1959, and June 30, 1985, by this State, except for 1981 Haw. Sess. Laws, Act 112, see Pub. Law 99-557 (Oct. 27, 1986).

TITLE 1: DEFINITIONS

§ 1.

That this Act may be cited as the "Hawaiian Homes Commission Act, 1920."

Cross references. — As to adoption of the Hawaiian Homes Commission Act as the law of the State, see Haw. Const., Art. XII, § 1. As to special land and development fund, see § 171-19. As to petition of Hawaiian Home Commission for formation of irrigation project, see § 174-14. For provision that Chapter 174C, the State Water Code, shall not be construed to amend or modify rights under this act, see 174C-101.

CASE NOTES

Purpose of act. — The purpose of the Hawaii Homes Commission Act was to rehabilitate native Hawaiians on lands given the status of Hawaiian home lands under § 204 of the act. In re Ainoa, 60 Haw. 487, 591 P.2d 607 (1979); Ahuna v. Department of Hawaiian Home Lands, 64 Haw. 327, 640 P.2d 1161 (1982).

Trust obligation. — Under the Hawaiian Homes Commission Act, the federal government set aside certain public lands to be considered Hawaiian home lands to be utilized in the rehabilitation of native Hawaiians, thereby undertaking a trust obligation benefiting the aboriginal people, and the State of Hawaii assumed this fiduciary obligation upon being admitted into the Union as a state. Ahuna v. Department of Hawaiian Home Lands, 64 Haw. 327, 640 P.2d 1161 (1982).

While the management and disposition of the home lands was given over to the State of Hawaii with the incorporation of the Hawaiian Homes Commission Act into the state Constitution, the trust obligation is rooted in federal law, and power to enforce that obligation is contained in federal law. Keaukaha-Panaewa Community Ass'n v. Hawaiian Homes Comm'n, 739 F.2d 1467 (9th Cir. 1984).

Under § 5(f) of the Admission Act, the United States conveyed the bulk of its Hawaiian land holdings to the newly formed state, with the instruction that the lands and all property subsequently conveyed by the United States to the state be held by the state as a public trust; the lands which had already been reserved for disposition by the Hawaiian homes commission under the Hawaiian Homes Commission Act of 1920 were included in the § 5(f) trust. Price v. Hawaii, 764 F.2d 623 (9th Cir. 1985), cert. denied, 474 U.S. 1055, 106 S. Ct. 793, 88 L. Ed. 2d 771, rehearing denied, 475 U.S. 1091, 106 S. Ct. 1482, 89 L. Ed. 2d 736 (1986).

Program is governed by Hawaiian law. — The Hawaiian Homes Commission Act program and its rights and duties are, for all practical purposes, elements of Hawaiian law, and Commission Act claims do not arise under federal law. Keaukaha-Panaewa Community Ass'n v. Hawaiian Homes Comm'n, 588 F.2d 1216 (9th Cir. 1978), cert. denied, 444 U.S. 826, 100 S. Ct. 49, 62 L. Ed. 2d 33 (1979).

OPINIONS OF ATTORNEY GENERAL

The Hawaiian Homes Commission Act is now a state constitutional provision. Op. Att'y Gen. No. 81-4 (1981).

For discussion of mode for amending the Hawaiian Homes Commission Act, see Op. Att'y Gen. No. 81-21 (1981).

LEGAL PERIODICALS

Hawaii Bar Journal.

Article, A Case for Reparations for Native Hawaiians, 16 Haw. B.J. 13 (1981).

Article, The Demise of the Hawaiian Kingdom: A Psycho-Cultural Analysis and Moral Legacy (Something Lost, Something Owed), 18 Haw. B.J. 3 (1983).

University of Hawaii Law Review.

Article, The Constitutionality of the Office of Hawaiian Affairs, 7 U. Haw. L. Rev. 63 (1985).

Recent Developments in Constitutional Law: Private Federal Causes of Action to Enforce the Trust of the Hawaiian Homes Commission — Keaukaha-Panaewa Community Association v. Hawaiian Homes Commission, 739 F.2d 1467 (9th Cir. 1984), 7 U. Haw. L. Rev. 569 (1985).

§ 2.

That when used in this Act the term "Hawaiian Organic Act" means the Act entitled "An Act to provide a government for the Territory of Hawaii," approved April 30, 1900, as amended.

TITLE 2: HAWAIIAN HOMES COMMISSION

§ 201. [Definitions.]

(a) That when used in this title:

(1) The term "commission" means the Hawaiian Homes Commission;

(2) The term "public land" has the same meaning as defined in paragraph (3) of subdivision (a) of section 73 of the Hawaiian Organic Act;

(3) The term "fund" means the Hawaiian home loan fund;

(4) The term "State" means the State of Hawaii;

(5) The term "Hawaiian home lands" means all lands given the status of Hawaiian home lands under the provisions of section 204 of this title;

(6) The term "tract" means any tract of Hawaiian home lands leased, as authorized by section 207 of this title, or any portion of such tract;

(7) The term "native Hawaiian" means any descendant of not less than one-half part of the blood of the races inhabiting the Hawaiian Islands previous to 1778;

(8) The term "irrigated pastoral land" means land not in the description of the agricultural land but which, through irrigation, is capable of carrying more livestock the year through than first-class pastoral land.

(b) Any term defined or described in section 347 or 351 of the Revised Laws of Hawaii of 1915, except a term defined in subdivision (a) of this section, shall, whenever used in this title, have the same meaning as given by such definition or description. [Am Jun. 8, 1954, c 321, § 2, 68 Stat 263; am L 1963, c 207, § 5(a)]

CASE NOTES

Cited in Ahuna v. Department of Hawaiian Home Lands, 64 Haw. 327, 640 P.2d 1161 (1982); Kahalewai v. Rodrigues, 4 Haw. App. 446, 667 P.2d 839 (1983); Hoohuli v. Ariyoshi, 631 F. Supp. 1153 (D. Haw. 1986).

OPINIONS OF ATTORNEY GENERAL

A legally adopted child is not automatically a "native Hawaiian" as defined in subsection (a)(7) and must still establish himself by sufficient documentation as a "native Hawaiian" qualified to be a lessee under § 209(1). Op. Att'y Gen. No. 73-18 (1973).

§ 202. Department officers, staff, commission, members, compensation.

(a) There shall be a department of Hawaiian home lands which shall be headed by an executive board to be known as the Hawaiian homes commission. The members of the commission shall be nominated and appointed in accordance with section 26-34, Hawaii Revised Statutes. The commission shall be composed of eight members, as follows: three shall be residents of the city and county of Honolulu; one shall be a resident of the county of Hawaii; two shall be residents of the county of Maui one of whom shall be a resident from the island of Molokai; one shall be a resident of the county of Kauai; and the eighth member shall be the chairman of the Hawaiian Homes Commission. All members shall have been residents of the State at least three years prior to their appointment and at least four of the members shall be descendants of not less than one-fourth part of the blood of the races inhabiting the Hawaiian islands previous to 1778. The members of the commission shall serve without pay, but shall receive actual expenses incurred by them in the discharge of their duties as such members. The governor shall appoint the chairman of the commission from among the members thereof.

The commission may delegate to the chairman such duties, powers, and authority or so much thereof, as may be lawful or proper for the performance of the functions vested in the commission. The chairman of the commission shall serve in a full-time capacity. He shall, in such capacity, perform such duties, and exercise such powers and authority, or so much thereof, as may be delegated to him by the commission as herein provided above.

(b) The provisions of section 76-16, Hawaii Revised Statutes, shall apply to the positions of first deputy and private secretary to the chairman of the commission. The department may hire temporary staff on a contractual basis not subject to chapters 76, 77, and 78, Hawaii Revised Statutes, when the services to be performed will assist in carrying out the purposes of the Act. These positions may be funded through appropriations for capital improvement program projects and by the administration account, operating fund, or native Hawaiian rehabilitation fund. No contract shall be for a period longer than two years, but individuals hired under contract may be employed for a maximum of six years; provided that the six-year limitation shall not apply if the department, with the approval of the governor, determines that such

HOMESTEAD SERVICES DIVISION

Homestead Services Division (HSD) is where first impressions of the Hawaiian Homes Program are created, and a long-term, personal relationship is molded. It is here where a native Hawaiian is given the opportunity of the use of a parcel of land to satisfy the basic need of shelter—a home to perpetuate the family and a base to increase personal assets as the native Hawaiian commences on a 99-year affiliation with the Department of Hawaiian Home Lands. It is here at HSD where the demands of the program are recorded and the areas needing emphasis are stressed.

The Homestead Applications Branch is a native Hawaiian's initial contact with the Department. Here is where the beneficiary proves his native Hawaiian claim by the submittal of vital statistics documentation, affidavits, and genealogical evidences. A number of agencies assist applicants in proving native Hawaiian claims; some are the state Department of Health's Research and Statistics Office, State Archives, genealogical services and Hawaiian data bank of Alu Like, Inc., Family Court and the Family History Centers of the Church of Jesus Christ of Latter-Day Saints. Once native Hawaiian proof is established, the applicant selects the desired type of lease award— residence, agriculture or pasture on the island of his choice. There are no pasture awards on Oahu. Shown in the chart is the Department's applications waiting lists as of June 30, 1988.

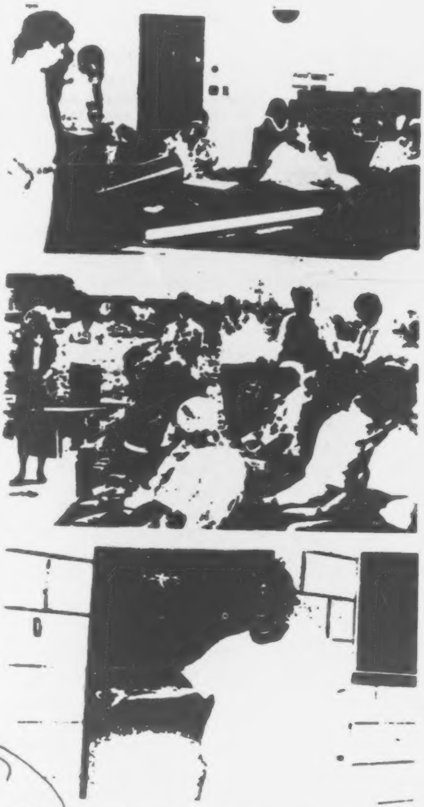
Applications For Homestead Awards
(As of June 30, 1988)

Island	Residence	Agriculture	Pasture	Total
Oahu	4,602	429	0	5,031
Kauai	892	856	58	1,806
Molokai	491	435	62	988
Maui	1,754	1,667	67	3,488
Hawaii	3,059	2,672	619	6,330
TOTAL	10,798	6,039	806	17,643

The Department's waiting lists continue to expand rapidily at an average rate of 145 applicants monthly. During the fiscal year the number of applicants increased by 1,741. Of the 17,643 applications, the greatest demand is for residential homesteads with 61 percent of the applicants expressing interest. Though Oahu for many years attracted the most interest for homesteads, statistics now show neighbor island preferences more than double the demand for Oahu with Hawaii attracting the most applicants.

The Hawaiian Homes Program awards homestead leases for 99 years to native Hawaiian applicants on established waiting lists. At the close of fiscal year 1987-88, lease a

nearly 80 percent of them.



TOP In August 1987, the Department of Hawaiian Home Lands with the U.S. Department of Housing and Urban Development conducted a workshop to familiarize local lenders with the new FHA-insured loan program for Hawaiian Home Lands. Mike Flores of HUD (standing at left) listens to DHHL Deputy Director John Rowe explain the significance of the loan program to local lenders. *CENTER* Hawaiian Homes Commission Chairman Ilima Piianaia (left) addresses the dignitaries gathered for the groundbreaking for the first FHA-insured financed home at the Waianae Kai subdivision on Oahu's leeward coast. The homeowner, Lena Zinn, is seated to the left of Governor John Waihee in the front row. *BOTTOM* Lena Zinn, the first Hawaiian homestead lessee to utilize the new FHA-insured mortgage loan program, readies to open the door to her new home in the Department's Waianae Kai subdivision on Oahu.

EXHIBIT "B"

Homestead Leases
(As of June 30, 1988)

District/ Area	Residence	Agricultural	Pasture	Total
OAHU				
Nanakuli	946	-	-	946
Waianae	374	-	-	374
Lualualei	148	63	-	211
Papakolea/Kewalo	319	-	-	319
Waimanalo	574	1	-	575
Oahu Total	2,366	66	0	2,425
KAUAI				
Anahola	331	45	-	376
Kekaha/Puu Opae	74	-	2	76
Kauai Total	405	45	2	452
MOLOKAI				
Hoolehua	121	333	20	474
Kalamaula	125	119	1	245
Kapaakea	45	-	1	46
One Alii	29	-	-	29
Kamiloloa	-	-	2	2
Molokai Total	320	452	24	796
MAUI				
Paukukalo	144	-	-	144
Waiehu	40	-	-	40
Kula	308	68	-	376
Maui Total	492	68	0	560
WEST HAWAII				
Kuhio Village/	-	-	-	-
Puukapu/Nienie/	-	-	-	-
Kamoku	140	105	59	304
Kawaihae	211	-	-	211
West Hawaii Total	351	105	59	515
EAST HAWAII				
Keaukaha	458	-	-	458
Waiakea	208	-	-	208
Panaewa	-	218	-	218
Makuu	-	128	-	128
Kamaoa/Puueo	-	13	4	21
East Hawaii Total	668	362	8	1,033
STATEWIDE TOTAL	4,608	1,099	96	5,803

purposes. Oahu has the highest number of awards with 2,361 leases awarded.

Since 1984, more than 2,059 homestead leases were awarded through the Department's award acceleration program. The program was the result of the need and desire expressed by beneficiaries for the Department to offer lands en masse. As a result, most of the homesteads awarded during the acceleration program were undeveloped, raw land. Though leases were awarded, use of these unimproved parcels are delayed until the lots are improved and meet county standards.

Violation of § 4 "encumbrances."

The acceleration program has not only tremendously increased the number of lessees, but has also created an overwhelming interest in the program which resulted in dramatic growth in the Department's waiting lists for homestead awards.

Due to the rapid growth in the applicant count, administrative rules were amended to give preference to applicants who are not yet lessees. This provided for a fairer distribution of land among applicants and curbed the practice of multiple awards to a single individual.

The District Operations Branch provides support and services to the homestead lessees and applicants. Six district offices located on Oahu, Kauai, Molokai, Maui, and West and East Hawaii manage homestead areas and assist in Departmental projects in their respective areas. Some lessee services provided are: lease closings, conveyances by successorship or assignment, lot subdivisions and relocations, and voluntary and involuntary lease terminations. Monitoring and assistance in complying to lease conditions are also a major service provided by the district offices.

The district offices interphase actively with private, federal, state, and county agencies in providing and coordinating public services to beneficiaries. Being the eyes and ears of the home office, they represent the Department at many functions requiring representation.

The Oahu District Office, in addition to servicing Oahu lessee requests, also receives and processes the many requests from neighbor island district offices. This office coordinates, prepares and submits requests for final decision by the Hawaiian Homes Commission.

The program requires routine adherence to lease conditions. Some of the conditions are occupancy, maintenance and security of the lot and improvements; liability and fire coverage; payment of real property taxes commencing on the eighth year of the lease; and active agricultural cultivation and pasturage for farm and ranch homesteads. The program also allows the transfer of the lease, subdivision of the leasehold, relocation to another area due to emergency situations, and voluntary surrender of the lease.

Shown is the Department's homestead lease award report as of June 30, 1988.

Loan Activities

The Hawaiian Homes Commission Act authorizes the Department of Hawaiian Home Lands to make

LAND USE SUMMARY

Land Use Summary
As of June 30, 1988

Use	Homestead Use			General Leases	Licenses	Others	Total Acreage
	Homes	Farms	Ranches				
Acreage	2,363	11,704	18,646	89,873	1,018	63,809	187,413

Land Use Summary By Island
As of June 30, 1988

Acreage Use	Hawaii	Kauai	Maui	Molokai	Oahu	Total Acreage
Homesteads	20,943	831	541	9,477	921	32,713
General Leases	50,284	16,373	20,676	723	1,817	89,873
Licenses	112	7	6	824	69	1,018
Others	36,544	1,358	7,772	14,342	3,793	63,809
Totals	107,883	18,569	28,995	25,366	6,600	187,413

Revenue Producing Land Summary
As of June 30, 1988

Island	Hawaii	Kauai	Maui	Molokai	Oahu	Total
Acreage	56,951	16,697	20,873	7,990	1,968	104,479
Income	$1,056,923	$109,248	$60,819	$66,523	$1,505,174	$2,798,687

Income By Use Summary
As of June 30, 1988

Use	Hawaii	Kauai	Maui	Molokai	Oahu	Totals $ Per Use
Industrial Leases	$ 557,700	$ —	$ —	$ —	$1,296,554	$1,854,254
Commercial Leases	183,550	—	—	—	—	183,550
Pasture/Agri Leases	220,203	3,500	58,246	14,017	22,940	318,906
Other Leases	11,037	1,900	620	18,560	35,568	67,685
DLNR Leases	—	71,005	—	—	—	71,005
Revocable Permits	67,505	32,840	874	10,000	36,537	147,756
Right of Entry Permits	15,000	—	—	20,200	—	35,200
Licenses	1,928	3	1,079	3,746	113,575	120,331
Total Income By Island	$1,056,923	$109,248	$60,819	$66,523	$1,505,174	$2,798,687

*Includes Leases for Utilities, Public Service and Government Purposes

Appendix

EXECUTIVE ORDERS ON HAWAIIAN HOME LANDS

Land Under Executive Orders

ISLE/ACR.	#/USE	NAME	LOCATION	TMK	DATE ISSUED
HAWAII* 3.912	1271 Road Easement	USA-FAA	Keaukaha	2-1-13:09	11-10-48
HAWAII* 50.000	1280 Communications/Radar	USA-FAA	Keaukaha	2-1-13:08	11-23-48
OAHU* 132.000	382 Storage Areas	Dept. of the Navy	Lualualei	8-8-01:01(P)	01-21-30
OAHU* 1,224.000	599 Communications/Radar	Dept. of the Navy	Lualualei	8-6-02:01	12-22-33

* Cancellation pending

HAWAIIAN HOME LANDS UNDER DLNR MANAGEMENT

By Island

	HAWAII	KAUAI	MAUI	MOLOKAI	OAHU	TOTAL
Number	1	3	0	0	0	4
Acreage	295	16,070	0	0	0	16,365
DHHL Annual Income	$0	$71,005	$0	$0	$0	$71,005

Use Summary

USE	NO.	ACREAGE	DHHL ANNUAL INCOME
Agriculture	2	16,044	$71,005
Storage Area	1	26	0
Training	1	295	0
TOTAL	4	16,365	$71,005

DLNR General Leases by Island

ISLE/ACR	#/USE	NAME	LOCATION/TMK	TERMS	REMARKS
HAWAII 295.000	S-3849 Training	USA-Army	Humuula 3-8-01:13	65 yrs. 08/17/64-08/16/2029 $1.00 for term	
KAUAI 25.686	S-3852 Storage Areas	USA-Navy 14th Naval District, Navy 128, Box 94 FPO San Francisco 96610	Kekaha 1-2-02:29	65 yrs. 08/20/64-08/19/2029 $1.00 for term	
KAUAI 14,558.000	S-4222 Agriculture	Kekaha Sugar Co., Ltd. 700 Bishop Street Honolulu, Hawaii 96801	Kekaha 1-2-02:23	25 yrs. 01/01/69-12/31/93 @ $55,208.88 01/01/84	
KAUAI 1,485.850	S-4576 Agriculture	Lihue Plantation Co., Ltd. P.O. Box 3140 Honolulu, Hawaii 96803	Anahola/Kamalomalo HSS PLAT 1003-D(1)	25 yrs. 12/15/77-12/14/02 @ $15,796.50 12/15/92	

Appendix

DHHL GENERAL LEASE SUMMARY & GENERAL LEASES

EXHIBIT "C"

DHHL General Lease Summary by Island

	HAWAII	KAUAI	MAUI	MOLOKAI	OAHU	TOTAL
Number	[illegible]	[illegible]	3	[illegible]	31	[illegible]
Acreage	49,989	303	22,676	[illegible]23	[illegible]917	[illegible]508
DHHL Annual Income	$472,490	$3,400	$58,866	$32,577	$1,355,062	$2,424,395

DHHL General Lease Summary by Use

USE	DHHL NO.	ACREAGE	ANNUAL INCOME
Agricultural	[illegible]	[illegible]91	[illegible]17,317
Commercial	[illegible]	3	[illegible]43,550
Dairy	[illegible]	[illegible]74	[illegible]395
Industrial	[illegible]	[illegible]44	[illegible]09,056
Pasture	[illegible]	[illegible]	[illegible]293
Public Service	[illegible]	[illegible]	[illegible]246
Public Utility	[illegible]	[illegible]	[illegible]756
Residence	[illegible]	[illegible]	[illegible]400
TOTAL	[illegible]	[illegible]508	$2,424,395

DHHL General Leases

ISLE/ACR.	#/USE	NAME	LOCATION/TMK	TERMS	REOPENINGS
HAWAII [illegible]699	[illegible] Indus.	[illegible]ana Petroleum, Inc. [illegible]0 Kukila St. Hilo, Hawaii 96720	Waiakea 2-2-47:59	[illegible]0 years 3-02-66/03-01-06 @ $44,000	3-02-96
HAWAII 3.905	[illegible]8 Indus.	Inter-Pacific Motors, Inc. P.O. Box 4397 Hilo, Hawaii 96720	Waiakea 2-2-60:75	65 years [illegible]-01-66/01-31-31 @ $14,530.20	[illegible]-01-91 [illegible]-01-11
HAWAII [illegible]245	[illegible]09 Indus.	Hawaii Anthurium Growers Cooperative [illegible]70 Wiwoole St. Hilo, Hawaii 96720	Waiakea 2-2-60:64	65 years 9-01-66/08-31-3[illegible] @ $5,206.20	9-01-91 9-01-11
HAWAII [illegible]3.793	[illegible] Indus.	[illegible]amada & Sons, Inc. P.O. Box 4699 Hilo, Hawaii 96720	[illegible]anaewa 2-[illegible]-25:01, 41, [illegible]2 & 84	[illegible] years [illegible]-01-66/10-31-31 @ $19,045.80	[illegible]-01-91 [illegible]-01-11
HAWAII [illegible]285	[illegible]3 Indus.	George R. Madden, Jr. [illegible]00 Leilani St. Hilo, Hawaii 96720	Waiakea 2-2-60:50 & 51	55 years 6-15-69/06-14-24 @ $6,976	6-15-94 6-15-09
HAWAII [illegible]930	[illegible]5 Indus.	Hawaiian Bitumuls and Paving Co. Division of Dillingham Construction Pacific, Ltd. P.O. Box 2240 Honolulu, Hawaii 96804	Waiakea 2-2-60:30 & 3[illegible]	40 years 8-01-67/07-31-07 @ $17,860	8-01-97
HAWAII [illegible]416	[illegible]6 Indus.	Roy C. Myers 48 Kahoa St. Hilo, Hawaii 96720	Waiakea 2-2-60:67	40 years 9-01-67/08-31-07 @ $1,740	9-01-87 9-01-97 Terminated [illegible]
HAWAII [illegible]209	[illegible] Indus.	Hilo Wood Treating, Inc. [illegible] Kukila St. Hilo, Hawaii 96720	Waiakea 2-2-47:60	[illegible] years [illegible]-01-67/09-30-07 @ $14,768	[illegible]-01-97
HAWAII [illegible]930	[illegible] Indus.	[illegible] Island [illegible], Inc. [illegible] St. Hilo, Hawaii 96720	Waiakea 2-2-60:7[illegible]	[illegible] years [illegible]-66/12-31-[illegible] @ $[illegible]8,286	[illegible]
HAWAII [illegible]620	[illegible] Indus.	[illegible]shiro Contractor, Inc. [illegible]3 Makaala St. Hilo, Hawaii 96720	Waiakea 2-2-60:35	[illegible] years [illegible]-68/12-31-07 @ $1,754	[illegible]-98 [illegible]-98
HAWAII [illegible]278.000	[illegible]3 Past.	[illegible]R. Bensens, Ltd. [illegible]32 Lunaanela St. [illegible], Hawaii 96734	[illegible]honua [illegible]-18:02	[illegible] years [illegible]-01-68/04-30-93 @ $61,900	

ISLE/ACR.	#/USE	NAME	LOCATION/TMK	TERMS	REOPENINGS
HAWAII 0.810	29 Indus	Industrial Steel Corp 55 Kukila St Hilo, Hawaii 96720	Waiakea 2-2-47: 61	55 years 03-02-68 / 03-01-23 @ $9,134	03-02-08
HAWAII 1.115	32 Indus	Bertroni Service, Inc. 175 Wiwoole St Hilo, Hawaii 96720	Waiakea 2-2-60: 72	55 years 05-01-68 / 04-30-23 @ $4,952	05-01-93 05-01-08
HAWAII 4.670	35 Utility	GTE Hawaiian Telephone Co., Inc. P.O. Box 2200 Honolulu, Hawaii 96801	Waiakea 2-2-47: 63	65 years 11-01-68 / 10-31-33 @ $10,676.40	11-01-93 11-01-13
HAWAII 1.800	36 Indus	Pioneer Lumber Treating, Inc. 750 Kalanianaole Ave Hilo, Hawaii 96720	Kawaihae 6-1-06: 11	65 years 9-01-68 / 08-31-33 @ $24,000	09-01-93 09-01-13
HAWAII 0.742	40 Indus	A & A Hawaii, Inc. 194 Wiwoole St Hilo, Hawaii 96720	Waiakea 2-2-60: 62 & 63	55 years 01-15-69 / 01-14-24 @ $3,102	01-15-94 01-15-09
HAWAII 0.494	41 Indus	Big Island Car Wash P.O. Box 4397 Hilo, Hawaii 96720	Waiakea 2-2-60: 70	55 years 06-15-69 / 06-14-24 @ $2,193	06-15-94 06-15-09
HAWAII 0.716	42 Indus	TheoDavies Euromotors, Ltd. 714 Ala Moana Blvd Honolulu, Hawaii 96813	Waiakea 2-2-60: 68 & 69	55 years 06-15-69 / 06-14-24 @ $4,068	06-15-94 06-15-09
HAWAII 4.980	43 Indus	M. Sonomura Contracting Co., Inc. P.O. Box 1452 Hilo, Hawaii 96720	Panaewa 2-1-25: 87	65 years 06-15-69 / 06-14-34 @ $7,527	06-15-94 06-15-14
HAWAII 0.620	44 Indus	Association of Balberde & Balberde 485 Hachai St Hilo, Hawaii 96720	Waiakea 2-2-60: 49	55 years 06-15-69 / 06-14-24 @ $4,008	06-15-94 06-15-09
HAWAII 4.250	45 Indus	Yamada & Sons, Inc. P.O. Box 4699 Hilo, Hawaii 96720	Panaewa 2-1-25: 85	62-1/2 years 05-01-69 / 10-31-31 @ $288	11-01-91 11-01-11
HAWAII 0.930	46 Indus	George R. Madden, Jr. 900 Leilani St Hilo, Hawaii 96720	Waiakea 2-2-60: 52 & 53	55 years 06-16-69 / 06-15-24 @ $4,082	06-16-94 06-16-09
HAWAII 0.930	47 Indus	Fair Contracting Co., Ltd. 130 Makaala St Hilo, Hawaii 96720	Waiakea 2-2-60: 32 & 33	55 years 06-16-69 / 06-15-24 @ $8,[illegible]	06-16-94 06-16-09
HAWAII 0.743	48 Indus	Industrial Steel Corp 55 Kukila St Hilo, Hawaii 96720	Waiakea 2-2-47: 62	53-1/2 years 09-01-69 / 03-01-23 @ $8,390	09-01-08
HAWAII 0.465	51 Indus	Fair Contracting Co., Ltd. 130 Makaala St Hilo, Hawaii 96720	Waiakea 2-2-60: 34	54 years 10 mos 08-16-69 / 06-15-24 @ $4,253	08-16-94 08-16-09
HAWAII 0.323	52 Indus	Tom T. Okano Enterprises, Inc. 801 Waianuenue Ave Hilo, Hawaii 96720	Waiakea 2-2-60: 45	40 years 10-01-69 / 09-30-09 @ $1,434	10-01-94
HAWAII 0.837	53 Indus	Takahashi Brothers Trucking Service, Inc. 135 Holomua St Hilo, Hawaii 96720	Waiakea 2-2-60: 60	55 years 02-15-70 / 02-14-25 @ $3,784	02-15-95 02-15-10
HAWAII 1.000	56 Indus	Laupahoehoe Trans. Co., Inc. 15 Holomua St Hilo, Hawaii 96720	Panaewa 2-1-25: 89 & 132 to 140	63 years 04-01-70 / 03-31-33 @ $16,400	04-01-95 04-01-15
HAWAII 0.750	58 Indus	M. Sonomura Contracting Co., Inc. P.O. Box 1452 Hilo, Hawaii 96720	Waiakea 2-2-60: 58 & 59	55 years 07-01-70 / 06-30-25 @ $4,203.90	07-01-95 07-01-10
HAWAII 0.620	59 Indus	Hawaii Paper Products, Inc. 147 Makaala St Hilo, Hawaii 96720	Waiakea 2-2-60: 36	35 years 07-01-70 / 06-30-05 @ $4,202	07-01-90
HAWAII 0.465	60 Indus	Jiro Tanaka P.O. Box 327 Kamuela, Hawaii 96743	Waiakea 2-2-60: 57	40 years 11-01-70 / 10-31-10 @ $9,228	11-01-95

ISLE/ACR.	#/USE	NAME	LOCATION/TMK	TERMS	REOPENINGS
HAWAII 0.930	161 Indus	Tasaiona Co., Inc. P.O. Box 182 Papaikou, Hawaii 96781	Waiakea 2-2-60:37 & 38	55 years 11-01-70/10-31-25 @ $4,860	11-01-80 11-01-05
HAWAII 0.930	163 Indus	Holomua Street Partners c/o Hawaii Pipe & Supply 290 Sand Island Access Road Honolulu, Hawaii 96819	Waiakea 2-2-60:47 & 48	55 years 11-01-70/10-31-25 @ $4,860	11-01-80 11-01-05
HAWAII 1.337	164 Indus	Mrs. Richard S.F. Lum 3880 Diamond Head Road Honolulu, Hawaii 96816	Waiakea 2-2-60:83	65 years 11-01-70/10-31-35 @ $9,445	11-01-85 11-01-15
HAWAII 0.866	165 Indus	Trojan Lumber Co., Inc. P.O. Box 5057 Hilo, Hawaii 96720	Waiakea 2-2-60:39	40 years 11-01-70/10-31-10 @ $17,186	11-01-90
HAWAII 0.465	166 Indus	Tasin Enterprises, Inc. 100 Holomua St. Hilo, Hawaii 96720	Waiakea 2-2-60:56	40 years 11-01-70/10-31-10 @ $9,228	11-01-90
HAWAII 0.422	167 Indus	Kurohara Shop For Men, Inc. 266 Makaala St. Hilo, Hawaii 96720	Waiakea 2-2-60:84	40 years 11-01-70/10-31-10 @ $8,380	11-01-90
HAWAII 0.465	168 Indus	Frederick W. Jr. and Trudee K. Siemann 194 Holomua St. Hilo, Hawaii 96720	Waiakea 2-2-60:66	40 years 02-01-71/01-31-11 @ $9,228	02-01-96
HAWAII 0.465	169 Indus	Big Isle Moving & Draying, Inc. 118 Holomua St. Hilo, Hawaii 96720	Waiakea 2-2-60:54	40 years 02-01-71/01-31-11 @ $9,228	02-01-96
HAWAII 0.465	170 Indus	Sidney Lee dba Hawaii Island Glass 110 Holomua St. Hilo, Hawaii 96720	Waiakea 2-2-60:53	40 years 02-01-71/01-31-11 @ $9,228	02-01-96
HAWAII 0.370	171 Indus	A & A Hawaii, Inc. 196 Wiwoole St. Hilo, Hawaii 96720	Waiakea 2-2-60:41	55 years 02-01-71/01-31-26 @ $2,322	02-01-91 02-01-06
HAWAII 0.364	172 Indus	Eaves & Meredith Co., Ltd. 841 Mapunapuna St. Honolulu, Hawaii 96819	Waiakea 2-2-60:42	55 years 02-01-71/01-31-26 @ $2,737	02-02-91 02-02-01 02-02-11
HAWAII 0.432	173 Indus	A & A Hawaii, Inc. 196 Wiwoole St. Hilo, Hawaii 96720	Waiakea 2-2-60:17	55 years 02-01-71/01-31-26 @ $2,257	02-01-91 02-01-06
HAWAII 0.411	174 Indus	THY & Associates, Inc. 210 Makaala St. Hilo, Hawaii 96720	Waiakea 2-2-60:16	40 years 02-01-71/01-31-11 @ $8,106	02-01-96
HAWAII 0.816	175 Indus	Bob's Fender Shop, Inc. (Agreement of Sale Vendor) Nelson and Clara C. Rego dba Steel Fabrication Hawaii (Agreement of Sale Vendee) 222 Makaala St. Hilo, Hawaii 96720	Waiakea 2-2-60:14 & 15	55 years 02-01-71/01-31-26 @ $2,775	02-01-91 02-01-06
HAWAII 0.435	176 Indus	M. Sonomura Contracting Co., Inc. (Agreement of Sale Vendor) Pacific Macadamia Nut Corp. (Agreement of Sale Vendee) 240 Makaala St. Hilo, Hawaii 96720	Waiakea 2-2-60:11	65 years 02-01-71/01-31-36 @ $5,138	02-01-96 02-01-16
HAWAII 3.00	177 Indus	Thomas N. and Mary Ann Muna P.O. Box 2679 Kamuela, Hawaii 96743	Kawaihae 6-1-06:12	55 years 07-23-71/07-23-26 @ $7,971 effective 02-01-88	07-23-91 rent step up @ $10,914 07-23-11
HAWAII 1.13	178 Indus	[illegible], Inc. P.O. Box 411 Paauilo, Hawaii 96776	Kawaihae 6-1-06:06	55 years 05-01-72/04-30-27 @ $15,040.35	05-01-92 rent step up 05-01-02 05-01-12

ISLE/ACR.	#/USE	NAME	LOCATION/TMK	TERMS	REOPENINGS
HAWAII 1.636	183 Indus.	Hicks Construction Co., Inc. 2331 South Beretania St. Honolulu, Hawaii 96826	Waiakea 2-2-60:43 & 44	55 years 12-12-74/12-11-29 @ $7,200	12-12-94 12-12-09
HAWAII 9.370.000	184 Past.	Kahua Ranch, Limited 3140 Lalani St. Honolulu, Hawaii 96819	Kawaihae 6-1-01:02, 03 & 16	35 years 01-09-76/01-08-11 @ $33,403.44	01-09-86 01-09-96
HAWAII 1.378	187 Indus.	H. Kono, Inc. dba HITCO Moving & Storage Co. 144 Makaala St. Hilo, Hawaii 96720	Waiakea 2-2-60:24	30 years 08-23-76/08-22-06 @ $11,730	08-23-96
HAWAII 1.317	188 Indus.	Tasaiona Co., Inc. P.O. Box 182 Papaikou, Hawaii 96781	Waiakea 2-2-60:18	30 years 08-23-76/08-22-06 @ $10,469	08-23-96
HAWAII 4.681	190 Indus.	M. Sonomura Contracting Co., Inc. P.O. Box 1652 Hilo, Hawaii 96720	Panaewa 2-1-25:88	30 years 11-12-76/11-11-06 @ $29,200	11-12-96
HAWAII 1.524	195 Commer.	John C. Keaua, Jr. 158 Aiohaiani Dr. Hilo, Hawaii 96720	Keaukaha 2-1-23:157	25 years 07-15-77/07-14-02 @ $10,300	07-15-92 07-15-97
HAWAII 191.077	198 Pub. Serv.	Fed. Aviation Admin. Western Pacific Region P.O. Box 50109 Honolulu, Hawaii 96850	Makuu 1-5-10:17 1-5-10:04(P) & 17	10 years 08-01-77/07-31-87 @ $5,070	Expired July 31, 1987
HAWAII 5.290.000	199 Past.	Alfred I. Nobriga P.O. Box 401 Kamuela, Hawaii 96743	Humuula 3-8-01:09	25 years 09-01-77/08-31-02 @ $32,000	09-01-97
HAWAII 7.512.800	200 Past.	Richard Smart dba Parker Ranch P.O. Box 458 Kamuela, Hawaii 96743	Humuula 3-8-01:02	25 years 09-01-77/08-31-02 @ $31,300	09-01-97
HAWAII 377.137	201 Past.	Richard Smart dba Parker Ranch P.O. Box 458 Kamuela, Hawaii 96743	Humuula 3-8-01:07	25 years 09-01-77/08-31-02 @ $61,600	09-01-97
HAWAII 1.975	202 Commer.	Honolulu Federal Svgs. and Loan Ass'n P.O. Box 539 Honolulu, Hawaii 96809	Panaewa 2-2-47:06 & 01(P)	53 years 10-01-77/09-30-30 @ $173,250 to 09-30-90 + percentage rent of 9% of gross rental collected in excess of net annual base lease rent	10-01-90 30% step up 10-01-00 30% step up 10-01-10 10-01-20
HAWAII 2.300	204 Indus.	Shiuman Lumber Co. of Hilo, Inc. 60 Kaea St. Hilo, Hawaii 96720	Kawaihae 6-1-06:08	30 years 05-05-78/05-04-08 @ $13,420	05-05-98
HAWAII 2.300	205 Indus.	Kawaihae Millwork, Inc. P.O. Box 4850 Kamuela, Hawaii 96743	Kawaihae 6-1-06:13	30 years 05-05-78/05-04-08 @ $13,420	05-05-98
HAWAII 2.568	206 Indus.	Boyd Enterprises, Inc. P.O. Box 2537 Kailua-Kona, Hawaii 96745-2537	Kawaihae 6-1-06:14	30 years 05-05-78/05-04-08 @ $14,458	05-05-98
HAWAII 1.34	207 Indus.	South Pacific Ship & Chandlery, Ltd. P.O. Box 1226 Kailua-Kona, Hawaii 96745-1226	Kawaihae 6-1-06:16	30 years 05-05-78/05-04-08 @ $3,000	05-05-88 05-05-98
HAWAII 1.579	208 Indus.	Eagle Distributors, Inc. 99-877 Iwaena St. Aiea, Hawaii 96701	Waiakea 2-2-60:22	30 years 06-02-78/06-01-08 @ $12,380	06-02-98
HAWAII 300	213 Pub. Serv.	Department of Transportation 869 Punchbowl Street Honolulu, Hawaii 96814	South Point, Ka'u Kamaoa-Puueo 9-3-01:03(P)	55 years 10-03-83/10-02-38 $30,000 for 1st 15 yrs. or minimum of $30,000 worth of in-kind improvements	10-03-98 10-03-13 10-03-28

ISLE/ACR.	#/USE	NAME	LOCATION/TMK	TERMS	REOPENINGS
HAWAII 2.880	217 Indus.	Kawaihae Industrial Development Corp. 1666-A Kona St. Honolulu, Hawaii 96814	Kawaihae 6-1-06:15	40 years 06-01-84/05-31-24 @ $8,700	06-01-94 06-01-04 06-01-14
HAWAII 0.468	218 Indus.	James L.K. Tom P.O. Box 30408 Honolulu, Hawaii 96820	Waiakea 2-2-60:29	42 years 12-01-85/11-30-27 @ $13,368	12-01-97 12-01-07 12-01-17
HAWAII 2.120	219 Indus.	James L.K. Tom P.O. Box 30408 Honolulu, Hawaii 96820	Kawaihae 6-1-06:08	42 years 12-01-85/11-30-27 @ $13,368	12-01-97 12-01-07 12-01-17
HAWAII 0.579	220 Indus.	Fair Contracting Co., Ltd. 133 Makaala St. Hilo, Hawaii 96720	Waiakea 2-2-60:26	42 years 07-01-87/06-30-29 @ $11,113	07-01-99 25% step up 13th thru 22nd year @ $13,891.25 07-01-09 07-01-19
HAWAII 6.584	S-3887 Utility	Hilo Electric Light Co., Ltd. P.O. Box 1027 Hilo, Hawaii 96721-1027	Humuula 3-8-01:12(P) & 15(P)	30 years 01-20-65/01-19-95 @ $360 from 01-20-85 thru 01-19-95	
KAUAI 302.370	106 Agri.	Olaf E. Thronas P.O. Box 269 Lawai, Hawaii 96765	Moloaa 4-9-10:02 & 05	35 years 05-01-66/04-30-01 @ $3,500	05-01-91
KAUAI 0.610	S-3679 Residence	William K. Lama P.O. Box 82 Anahola, Hawaii 96703	Anahola 4-8-08:32	30 years 12-18-61/12-17-91 @ $1,800 from 12-18-76 thru 12-17-91	
MAUI 15,620.000	101 Past.	Maui Factors, Inc. c/o Ms. Annette Niles P.O. Box 343 Kula, Hawaii 96790	Kahikinui 1-9-01:03 & 07(P)	25 years 04-01-67/03-31-92 @ $40,550	
MAUI 5,257.000	133 Past.	James C. and Iona Sakugawa RR#1, Box 430 Kula, Hawaii 96790	Kula 2-2-02:14 2-2-04:36	25 years 11-01-68/10-31-93 @ $17,686	
MAUI 0.072	191 Utility	GASCO P.O. Box 3379 Honolulu, Hawaii 96842	Paukukalo 3-3-05:03(P)	25 years 06-01-76/05-31-01 @ $620	06-01-90
MOLOKAI 139.831	169 Agri.	Molokai Ranch, Ltd. P.O. Box 4039 Honolulu, Hawaii 96812	Hoolehua/Palaau 5-2-11:16, 17, 18 & 19	25 years 09-01-69/08-31-94 @ $6,167	
MOLOKAI 29.660	179 Agri.	G. Hiram N. and Harriette M. Davis P.O. Box 52 Kaunakakai, Hawaii 96748	Hoolehua 5-2-02:55	25 years 06-01-72/05-31-97 @ $1,450	06-01-92
MOLOKAI 39.875	182 Agri.	Henry and Becky Makaena P.O. Box 87 Hoolehua, Hawaii 96729	Hoolehua/Palaau 5-2-26:08	25 years 08-01-73/07-31-98 @ $400	08-01-88 08-01-93
MOLOKAI 149.100	185 Agri.	Na Hua Ai Farms P.O. Box 165 Hoolehua, Hawaii 96729	Hoolehua/Palaau 5-2-01:05	25 years 06-14-76/06-13-01 @ $6,000	06-14-96
MOLOKAI 1.000	196 Pub. Serv.	U.S. Postal Service Western Region San Bruno, California 94099	Hoolehua/Palaau 5-2-23:02	25 years 07-01-77/06-30-02 @ $1,100	07-01-97
MOLOKAI 363.673	203 Pub. Serv.	WSMC/PME c/o H.R. Mattson Vandenburg Air Force Base, California 93437	Hoolehua/Palaau 5-2-06:63	10 years 01-01-78/12-31-87 @ $17,460	
OAHU 443.700	123 Past.	Waianae Valley Farm, Ltd. c/o Henry Rapoza, Sr. P.O. Box 2382 Waianae, Hawaii 96792	Nanakuli 8-9-07:02	25 years 02-01-66/01-31-91 @ $2,022.60	
OAHU 1,126.000	105 Past.	Tongg Ranch, Inc. 169 S. Kukui St. Honolulu, Hawaii 96813-2389	Nanakuli 8-9-08:03, 06 & 07	25 years 04-01-66/03-31-91 @ $6,302.50	

ISLE/ACR.	#/USE	NAME	LOCATION/TMK	TERMS	REOPENINGS
OAHU 37.452	107 Past.	Gertrude K. Toledo P.O. Box 717 Waianae, Hawaii 96792	Lualualei 8-6-03:03(P)	25 years 07-01-70/06-30-95 @ $1,120	
OAHU 4.176	111 Dairy	Ernest M. Souza c/o Mrs. Bettie Ramos 86-136 Kakaiapola St. Waianae, Hawaii 96792	Lualualei 8-6-03:01	25 years 01-01-69/12-31-93 @ $5,000	
OAHU 0.212	114 Utility	GTE Hawaiian Telephone Co., Inc. P.O. Box 2200 Honolulu, Hawaii 96801	Nanakuli 8-9-05:84	65 years 05-01-67/04-30-32 @ $950	05-01-92
OAHU 0.265	134 Utility	GTE Hawaiian Telephone Co., Inc. P.O. Box 2200 Honolulu, Hawaii 96801	Waimanalo 4-1-21:31	65 years 06-01-68/05-31-33 @ $1,045.80	06-01-93 06-01-13
OAHU 69.980	153 Dairy	George Freitas Dairy, Inc. 98-1264 Akaaka St. Aiea, Hawaii 96701-3043	Waianae 8-5-04:01 & 58	20 years 02-01-70/01-31-90 @ $5,086	
OAHU 14.887	191 Past.	Fred Teixeira 6154-A May Way Honolulu, Hawaii 96821	Waimanalo 4-1-14:07 & 12 4-1-17:21 4-1-02:01	25 years 09-28-72/09-27-97 @ $3,200	09-28-92
OAHU 2.670	194 Pub. Serv.	C & C of Honolulu, D.P.W. 650 South King St. Honolulu, Hawaii 96813	Lualualei 8-6-01:22	25 years 07-01-77/06-30-02 @ $33,688	07-01-97
OAHU 2.619	221 Pub Serv	Waianae Dist. Comprehensive Health and Hospital Board, Inc. dba Waianae Coast Comprehensive Health Center 86-260 Farrington Highway Waianae, Hawaii 96792	Lualualei 8-6-01:40, 41 & 46	40 years 01-01-88/12-31-27 @ $45,198 Graduated lease rent payment schedule in effect 1st 10 years	01-01-98 01-01-08 01-01-18
OAHU 0.645	S-3897 Utility	Hawaiian Electric Co., Inc. P.O. Box 2750 Honolulu, Hawaii 96803	Nanakuli 8-9-07:01(P) & 02(P)	65 years 03-11-65/03-10-30 @ $84	03-11-95 03-11-10
OAHU .676	S-4113 Indus.	U-Haul of Hawaii, Inc. 2722 Kilihau St. Honolulu, Hawaii 96819	Honolulu 1-1-64:08	40 years 10-10-67/10-09-07 @ $73,234.20	10-10-97
OAHU .409	S-4114 Indus.	Axel F. Petterson and Jovoeanne B. Petterson (Agreement of Sale Vendor) 7221 Soundview Drive, #204 Gig Harbor, Washington 98335 Patrick H. Mather et al (Agreement of Sale Vendee) 638 Kakoi St. Honolulu, Hawaii 96819	Honolulu 1-1-64:09	40 years 10-10-67/10-09-07 @ $80,344.40	10-10-97
OAHU .966	S-4115 Indus.	G.W. Murphy Construction Co., Inc. 650 Kakoi St. Honolulu, Hawaii 96819	Honolulu 1-1-64:10	40 years 10-10-67/10-09-07 @ $92,542.80	10-10-97
OAHU .210	S-4116 Indus.	Hawaii Industrial Partners #1 747-1D Sheridan Blvd. Lakewood, Colorado 80214	Honolulu 1-1-64:11	40 years 10-10-67/10-09-07 @ $99,600	10-10-97
OAHU .210	S-4117 Indus.	Shaner Land Corporation P.O. Box 2114 Honolulu, Hawaii 96805	Honolulu 1-1-64:12	40 years 10-10-67/10-09-07 @ $99,600	10-10-97
OAHU .210	S-4118 Indus.	Intercontinental Industries, Inc. 710 Kakoi St. Honolulu, Hawaii 96819	Honolulu 1-1-64:13	40 years 10-10-67/10-09-07 @ $99,600	10-10-97
OAHU .794	S-4119 Indus.	Burt T. Kamunaka Miriam K. Kamunaka and Kurt K. Kamunaka 47-259 Mahiko Loop Kaneohe, Hawaii 96744	Honolulu 1-1-64:14	40 years 10-10-67/10-09-07 @ $110,564.24	10-10-97

ISLE/ACR.	#/USE	NAME	LOCATION/TMK	TERMS	REOPENINGS
OAHU 0.918	S-4120 Indus.	Electrical Distributors, Ltd. 680 Kahai St. Honolulu, Hawaii 96819	Honolulu 1-1-64:15	40 years 10-10-67/10-09-07 @ $96,000	10-10-97
OAHU 0.918	S-4121 Indus.	Equipment Service Company, Ltd. dba F.K.S. Rental and Sales 653 Kahai St. Honolulu, Hawaii 96819	Honolulu 1-1-64:16	40 years 10-10-67/10-09-07 @ $96,000	10-10-97
OAHU 0.507	S-4122 Indus.	Equipment Service Company, Ltd. dba F.K.S. Rental and Sales 653 Kahai St. Honolulu, Hawaii 96819	Honolulu 1-1-64:17	40 years 10-10-67/10-09-07 @ $88,333.44	10-10-97
OAHU 0.566	S-4123 Indus.	Douglas Takeo 2706 Kilihau St. Honolulu, Hawaii 96819	Honolulu 1-1-64:18	40 years 10-10-67/10-09-07 @ $65,537.08	10-10-97
OAHU 0.574	S-4124 Indus.	San Plas Corporation P.O. Box 2114 Honolulu, Hawaii 96805	Honolulu 1-1-64:19	40 years 10-10-67/10-09-07 @ $64,500	10-10-97
OAHU 0.574	S-4125 Indus.	Oahu Development Corporation P.O. Box 2114 Honolulu, Hawaii 96805	Honolulu 1-1-64:20	40 years 10-10-67/10-09-07 @ $64,500	10-10-97
OAHU 0.574	S-4126 Indus.	Revere/Tanaka Contractors, Inc. 2678 Kilihau St. Honolulu, Hawaii 96819	Honolulu 1-1-64:21	40 years 10-10-67/10-09-07 @ $64,500	10-10-97
OAHU 0.574	S-4127 Indus.	Maurice F. Stanton and Marilyn W. Stanton dba Ala Star-Mar Self-Storage Center 2670 Kilihau St. Honolulu, Hawaii 96819	Honolulu 1-1-64:22	40 years 10-10-67/10-09-07 @ $13,080	10-10-87 10-10-97
OAHU 0.232	S-4290 Indus.	Albert C. Kobayashi, Inc. (Agreement of Sale Vendor) 94-535 Ukee St. Waipahu, Hawaii 96797 Pacific Diving Industries (Agreement of Sale Vendee) 2646 Kilihau St. Honolulu, Hawaii 96819	Honolulu 1-1-64:34	40 years 03-12-70/03-11-10 @ $7,200	03-12-80 03-12-00
OAHU 0.233	S-4291 Indus.	Bert A. Kobayashi (Agreement of Sale Vendor) 94-535 Ukee St. Waipahu, Hawaii 96797 CLU Investment (Agreement of Sale Vendee) 2632 Kilihau St. Honolulu, Hawaii 96819	Honolulu 1-1-64:35	40 years 03-12-70/03-11-10 @ $7,500	03-12-80 03-12-00
OAHU 0.527	S-4292 Indus.	Hawaii Communications Services Corporation 2669 Kilihau St. Honolulu, Hawaii 96819	Honolulu 1-1-64:33	40 years 03-12-70/03-11-10 @ $16,700	03-12-80 03-12-00
OAHU 0.492	S-4293 Indus.	Rite-Way Electric Co., Ltd. (50% interest) Quality Pacific, Ltd. (50% interest) 2645-B Kilihau St. Honolulu, Hawaii 96819	Honolulu 1-1-64:32	40 years 03-12-70/03-11-10 @ $15,900	03-12-80 03-12-00
OAHU 0.477	S-4294 Indus.	Hawaii Business Associates, Inc. 2627 Kilihau St. Honolulu, Hawaii 96819	Honolulu 1-1-64:31	40 years 03-12-70/03-11-10 @ $16,200	03-12-80 03-12-00

Ka Wai Ola O OHA

Trustees Select Paglinawan As Administrator

The Office of Hawaiian Affairs has announced the selection of Richard Kekumuikawaiokeola Paglinawan as its new administrator, effective March 1. Paglinawan was chosen from a field of 43 applicants during OHA's monthly board meeting on January 30. The announcement was made on February 1.

OHA Chairman Thomas K. Kaulukukui, Sr. said, "I am very pleased that a person of Mr. Paglinawan's stature, experience and administrative skills has agreed to serve as our administrator. His proven ability during some 20 years in state government positions, combined with his knowledge of Hawaiian cultural practices and his work toward bettering the conditions of Hawaiians make him an ideal choice."

Paglinawan said he looks forward to being a part of the growth and maturation of the Office of Hawaiian Affairs. That process, he said, "involves Hawaiians making their own mistakes and learning from these mistakes, also achieving success upon successes."

Paglinawan has served as deputy director of the State Department of Hawaiian Home Lands (1968-1975), deputy director of the former Department of Social Services and Housing (1975-1976) and special projects coordinator for the Housing Finance & Development Corporation of the Department of Business and Economic Development (1986-1988).

Richard K. Paglinawan

In the private sector, between 1963 and 1968, he was a social worker and VISTA supervisor at Queen Liliuokalani Children's Center. Before coming to OHA, he was tenant services branch chief for the Hawaii Housing Authority, Department of Human Services.

As an undergraduate student at the University of Hawai'i, Paglinawan minored in anthropology and trained in Hawaiian archaeology under Dr. Kenneth Emory. He studied the Hawaiian language for four years with the Reverend Samuel Keala and Dr. Samuel Elbert.

He worked with the late Mary Kawena Pukui for about 15 years, studying social and mental health practices of native Hawaiians as well as the Hawaiian method of problem resolution called "ho'oponopono."

Paglinawan earned his B.A. degree in sociology from the University of Hawai'i in 1960 and a M.S.S. at the UH School of Social Work in 1962.

He and his wife, Lynette, who also holds a master's degree in social work, are the parents of four children.

Paglinawan is the recipient of the National Award of Merit from the American Association for State and Local History, the Meritorious Award for Outstanding Educational Services by the State Department of Education, and was nominated as Young Public Servant of the Year by the Hawai'i Junior Chamber of Commerce.

Definition of Native Hawaiian, Ceded Lands

OHA To Wait On Constitutional Amendments

by Ed Michelman,
Public Information Officer

The State Senate apparently has decided to put off until the next session of the legislature consideration of OHA's request for two important amendments to the state constitution.

OHA's had introduced a bill to place before Hawaii's voters the question of whether there should be a single definition of "native Hawaiian" as well as an expansion of the ceded land trust to benefit Hawaiians of less than 50 percent native blood.

The decision to hold the bill came after a public hearing before the Senate Committee on Housing and Hawaiian Programs, chaired by Senator Mike Crozier. Apparently some committee members had questions about the bill which could not be immediately resolved. However, Senator Crozier noted during a speech on the Senate floor, "The issue of blood quantum is still here. It must be resolved so that the Office of Hawaiian Affairs can truly begin to have the positive effect which so many of us believe in our hearts it can accomplish. The Trustees of the Office of Hawaiian Affairs want to allay any misunderstanding and misgiving and are willing to have an educational program to make Hawaiians and Native Hawaiians aware of all aspects of the 'blood quantum' issue."

Crozier concluded, "I believe in the Office of Hawaiian Affairs, and as a part Hawaiian, a senator and as the chairman of the Housing and Hawaiian Affairs Committee, I publicly state that I recognize the Trustees of the Office of Hawaiian Affairs as the duly elected leaders of the Hawaiian people. I also extend to them all privileges and courtesies merited to an institution which is charged with the grave responsibilities it must shoulder."

Crozier recommended an appropriation in the amount of $60,000 for OHA to reinforce its previous educational program informing the Hawaiian community of all aspects of the blood quantum issue. He also suggested an additional hearing process.

OHA Vice Chairman Rod Burgess said in view of the decision to hold the bill this session, a further concerted effort will be made to demonstrate to individual Hawaiians as well as to the various Hawaiian organizations that the single definition option is the best course for all our people, a course which will insure that we will survive and flourish as a race.

"Further clarification of the long-term impact if a single definition is needed. We welcome the opportunity to explore the various ramifications of

See Amendments, Page 2

EXHIBIT "D"

At a February 4 press conference, OHA trustees announced their proposed amendments to the state constitution. Left to right: Clarence Ching, Rod Burgess, Thomas Kaulukukui, Moanikeala Akaka, and Manu Kahaiali'i.

OHA Board Business

By Ed Michelman
Public Information Officer

The January meeting of the OHA Board of Trustees was held January 30, 1989 at OHA's Honolulu office. All nine Trustees were present. Prior to the open portion of the meeting, the Trustees spent several hours in executive session to discuss personnel matters and to confer with legal counsel.

Executive Session

The following matters, discussed in executive session, were ratified unanimously by the Trustees when the meeting was convened in open session.

Selection of OHA Administrator: Richard K. Paglinawan was appointed OHA Administrator. (See story on page 1.)

Change in OHA Organization Structure: The position of Deputy Administrator was deleted. Two new positions were created. Martin Wilson, currently Deputy Administrator for Programs, was named Assistant Administrator for Personnel and Fiscal matters. Linda Delaney, currently Land and Natural Resources Officer, was appointed Assistant Administrator for Programs.

Appointment of Transition Team: A transition team was established to familiarize the new Administrator with OHA's operational and organizational structure.

Legal Counsel: Attorney Sherry Broder's contract as legal counsel to the Board of Trustees was renewed.

Administrator's Salary: The salary of OHA's Administrator is to be consistent with that received by other heads of State departments.

Kalena Kai Fisheries

A motion was approved to support the principles and objectives of Kalena Kai Fisheries for the establishment of a comprehensive apprenticeship program for all Native Hawaiian fishermen. The motion directs that legislation be drafted requesting a legislative appropriation for the program. The motion was approved on a 5-3 vote with Trustees Burgess, Ching and DeSoto voting "Nay."

Maui County Planning Commission Hearing

The Board unanimously authorized the expenditure of up to $2,500 for legal and related costs. The funds are to defray expenses in connection with OHA's decision to file as an intervenor before the Commission on Kapalua Land Company's request for a Shoreline Management Area permit extension at Honokahua, Maui.

Retirement Credits for OHA Trustees

A motion to have staff prepare a bill allocating retirement credits for OHA Trustees, retroactive to 1980, was carried unanimously.

Diamond Head and Waikane Lands

The Board unanimously adopted a motion to oppose a proposed settlement allowing a group of Diamond Head landowners to retain a portion of a disputed strip of beachfront land.

Later in the meeting, the Trustees directed that a press release be issued setting forth the Board's position on this issue and in support of the Kamaka family's efforts to retain their land at Waikane. (See story, this issue.)

Statewide Satellite Information Centers

The Board adopted a recommendation to enter into a four-month contract with Courtney Harrington at $2,500 per month plus travel and lodging expenses. Harrington will study the concept of consolidated, one-stop comprehensive service facilities for Hawaiians throughout the state. The contract scope of services includes evaluating existing facilities, identifying communications problems, assessing the needs of the community and identifying sites currently being used to deliver services by various Hawaiian agencies.

Trustees Hao and Keale voted "Nay."

Trustee Salary

A motion was approved to submit legislation to the State Legislature requesting salaries in the amount of $1,200 per month for each Trustee. Currently, Trustees receive no salary, but are paid $50 for each authorized official meeting.

Trustee Keale was excused from the meeting prior to discussion and vote on this and subsequent matters.

Legislative Package

The Board voted unanimously to approve a package of OHA legislative proposals concerning: the use of non-biodegradable monofilament nets; historic preservation projects; protection of endemic and indigenous Hawaiian birds; establishing positions for state archaeologists on the neighbor islands; a program to eradicate introduced plants that endanger native species on public lands; amendment of Chapter 338, Section 25.5, Hawaii Revised Statutes, regarding precontact burials; compensation for OHA trustees; and creating a mechanism for systematic input by OHA beneficiaries during the election process.

Native Hawaiian Revolving Loan Fund (NHRLF)

A partial slate of nominees to the NHRLF Board of Directors was approved by a 5 to 4 vote. Voting "Nay" were Trustees Burgess, Ching, Kahaialii and Mahoe.

OHA Budget Request

A motion was adopted unanimously to approve OHA's 1989-1991 biennium budget request to the Legislature for operating costs totalling $17,415,810. This amounts to $8,694,690 in fiscal year 1989-1990 and $8,721,120 in fiscal year 1990-1991.

Summarized below are the operating budget recommendations by major program areas.

Major Program Area	FY 1989-1990	FY 1990-1991
Policy and Administration	$ 935,431	$ 815,009
Administrative Services	3,753,129	3,742,398
Public Information	441,666	420,100
Health & Human Services	231,356	294,673
Planning & Development	445,812	530,586
Cultural Affairs	171,576	172,130
Gov't & Community Affairs	416,022	393,874
Land & Natural Resources	612,113	633,313
Economic Development	1,306,645	1,320,084
Education	411,941	398,954
Totals	$8,694,690	$8,721,120

Create-A-Float Seminar

Parade floats—those fantastical creations of flowers and chicken wire that grace truck beds and roll proudly before admiring throngs—are the subject of a how-to seminar March 18, sponsored by the Aloha Week Festival. Fee is $10. Reservation deadline is March 15. For information call the Aloha Week Festival at 944-8857.

Amendments, continued from page 1

that decision.

When SB1264 was submitted early last mor
OHA Chairman Thomas K. Kaulukukui noted
first proposed constitutional amendment wou
carry out the wishes of the Hawaiian people as e
pressed during the November 1988 OHA ref
endum. That referendum asked whether H
waiians favor the adoption of a single definition
native Hawaiians without regard to a spec
amount of Hawaiian blood.

In November, OHA mailed ballots with th
question to the 63,450 registered OHA voter
There were 19,643 ballots returned, or 30 perce
of registered OHA voters.

Of those Hawaiians who voted in the mai
referendum, 84.6 percent, a clear majority, vote
in favor of a single definition for native Hawaiia

"The second proposed change to the OH
section of Hawaii's constitution," Kaulukukui saic
"would implement a prime recommendation of th
State Legislative auditor. The 'Final Report on th
Public Land Trust,' submitted to the Legislature
1986, says that all public lands should be include
in the Public Land Trust."

OHA is currently entitled to 20 percent of th
income from certain trust lands. The legislativ
auditor's report states that the present system c
trying to distinguish between trust and non-tru
lands causes confusion in accounting and require
costly surveys and title searches.

The report recommends that all public lands b
held in the Ceded Land (or Public Land) Trust "
keeping with the trust concept that dates back t
annexation."

The two questions OHA asked to be placed o
the ballot are as follows:

"Shall the public trust be expanded t
include all state lands, the income fron
those lands, and the proceeds from the dis
position of those lands?"

"Shall 'native Hawaiian,' for the purposes o
the Office of Hawaiian Affairs, mean an
descendant of the aboriginal peoples in
habiting the Hawaiian Islands which ex
ercised sovereignty and subsisted in th
Hawaiian Islands in 1778, and whic
peoples thereafter have continued t
reside in Hawai'i?"

Burgess said he is hopeful the constitutiona
amendments will be placed on the 1990 genera
election ballot for approval by all of Hawaii
voters.

Hawaiian Language Camp Set April 7-9

A Hawaiian language weekend camp fo
students is planned April 7-9 at Camp Erdman
Mokuleia, O'ahu. Besides the fellowship and op
portunity to converse in Hawaiian there will b
games, singing, crafts, hiking, and prizes. On Sat
urday there will be a "La Kukahekahe" from 9 a.m
to 3 p.m.

Registration fee for the weekend, all mea
included is $35 for adults and $10 for children. I
you only plan to attend La Kukahekahe, fee is 5
and includes lunch.

For information call Makalapua Ka'awa at 26
1100 or Naomi Loach (261-9038) in the evening

Ka Wai Ola O OHA

"The Living Water of OHA"

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Art Design

Investiture At Kawaiaha'o Church

Chairman Gives "State Of OHA" Address

OHA Chairman Kaulukukui gives "State of OHA" address.

During a solemn but colorful investiture ceremony at Kawaiaha'o Church on January 27, OHA Chairman Thomas K. Kaulukukui Sr. was presented with the unique gold and green 'ahu'ula—a cape symbolizing leadership and authority.

Members of Hawaii's royal societies in full regalia witnessed the "Ho'okau 'ia Ka 'Ahu'ula," investiture of the Office of Hawaiian Affairs trustees, following messages by representatives of three generations: kupuna, makua and 'opio.

Kupuna Rachel Mahuiki, speaking entirely in Hawaiian, urged the trustees to look to the Lord to give them strength and knowledge.

The Reverend Tyrone Rhinehardt, representing the makua, presented each trustee with a kukui nut. He said for Queen Lili'uokalani it was a symbol of the light of her people and a hope for the future during a time of oppression. He said it also represents knowledge, and he prayed that the trustees would use that knowledge for the benefit of the Hawaiian people.

Colleen Apo and Ann Ka'ahanui spoke for the 'opio generation. They told the trustees, "We look up to you as role models, and we depend on you to make important decisions which will affect the preservation of our culture."

After receiving his 'ahu'ula from past board chairmen Louis Hao and Moses Keale, Chairman Kaulukukui delivered a "State of OHA" address.

Here are some excerpts from that address:

"Ano ai me ke aloha.

"On behalf of the entire Board of Trustees, I would like to welcome and thank all of you who are here today.

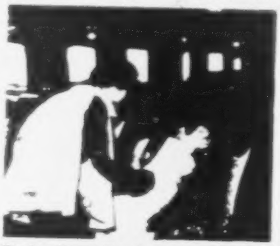
"Many of you are our families and friends—the ones we hold most dear and must demand the most of as we seek the best fulfillment of our trust responsibilities. To you, as always, we again express our love and gratitude for your patience and understanding in supporting the work which we do.

"Others of you—though friends and also loved by us—come here today in the role of witness for the Hawaiian people and nation. While we gather as family, this investiture ceremony also celebrates the continuity and changes between the ancient, honored traditions of the Hawaiian people and our modern aspirations as reflected by the Office of Hawaiian Affairs and our Board of Trustees.

"I am deeply grateful for the honor and responsibility which comes with this 'ahu'ula of the Chairmanship. Unlike the royal emblems of old, this cape does not entitle me to assert royal privilege or demand or unfair favor. In fact, the strongest similarity between this 'ahu'ula and those of our ancestors is that in battle I will be the most conspicuous target.

"As I wear it today, it is a reminder of the beauty of our past, of the values and beliefs which have united us as a people for more than two thousand years—and of the battles and challenges which we must face for the future.

"Recently, we have heard both national and state leaders address these challenges as they saw them, and share their view of the future. I believe this occasion is the appropriate time to speak of



The Rev. Tyrone Rhinehardt presents trustee Frenchy DeSoto and Clarence Ching with kukui nuts, symbolic of the light of knowledge.

Colleen Apo and Ann Ka'ahanui.

The State of The Office of Hawaiian Affairs and outline the action agenda needed to assure a H waiian future as rich as our past.

"First, we will continue to affirm and strength OHA's ability to plan and account for the benefic use of trust assets managed for the Hawaii people. In just the past year, we have:

1. Revised and adopted an OHA Master Pla which was shared with sister Hawaiian servi agencies for their response and the future coor nation of activities through the eventual develo ment of a Comprehensive Master Plan;

2. Developed two-year functional plans for ea program area drawn from the OHA Master Pl goals and objectives and linked to the Office bie nium budget;

3. Conducted a first-ever referendum regardi a single beneficiary class definition for OHA—in which a decisive 84 percent to 15 percent margin favor of such a change was recorded; and

4. Cooperated fully and successfully with Attorney General Office's investigation of Boa management and expenditure of OHA funds.

"In addition, to garner understanding a support for this process of improved accou ability, we initiated a series of ho'olokahi lunc eons to enhance networking with Hawaiian orga zations and conducted 16 statewide public inf mation meetings. On a more formalized level, are also now reviewing policies and procedur necessary to the establishment of an OH

continued next pa

Rachel Mahuiki

OHA trustees listen as kupuna, makua and 'opio representatives give their messages.

'Aha 'Opio Youth Legislature Accepts Applications in March

The Office of Hawaiian Affairs through its Education Division will host its second annual youth leadership conference, "'Aha 'Opio O OHA," June 19-24 in Honolulu. Seventy-five Hawaiian high school juniors statewide will be selected to participate in a week long program of activities. These activities reflect such Hawaiian concerns as ecology, Hawaiian history, native rights and alternative lifestyles. They will also include, but not be limited to, the election process, government organizations, introduction of bills and lobbying for issues. Students will have the opportunity to explore leadership roles, values and actually meet officials involved in government processes.

The 'Aha 'Opio, or OHA's Youth Legislature, seeks to provide Hawaiian youth with hands-on experience in developing leadership skills in public speaking, parliamentary procedure and group political interaction.

The 'Aha 'Opio recognizes Hawai'i's own cultural heritage. What makes the program uniquely Hawaiian is that the students will select current issues of concern and debate their impact on the Hawaiian community.

Special cultural sessions will cover alternative lifestyles, Hawaiian language, ho'oponopono and Hawaiian values as part of the activities. Students will visit important historical sites and various state agencies. Meetings have also been scheduled with attending State legislators.

Applications to participate may be obtained through junior class counselors at the student's high school or by calling the OHA Education Division at 946-2642. All applications should be returned to OHA no later than March 31.

Selection interviews will be held in April. Students will participate in an island-wide orientation meeting in May.

Members of the conference planning committee are: Hinano Paleka (Kamehameha Schools, Evaluation and Planning), Kaulu Clark (West O'ahu Beach Employment Corporation), Tony Soller (Hawaiian Telephone), Kathy Keala, and Walter Kahawa, Jr. (Honaunau School).

La Kukahekahe—Day Of Flowing Hawaiian Conversation, Mar. 11

The University of Hawai'i at Hilo Hawaiian studies program, invites language students and native speakers to come together for "La Kukahekahe," a day of "flowing, pleasant Hawaiian conversation," Saturday, March 11 at the UH Hilo Campus Center, from 8 a.m. to 2 p.m. Events include a ho'okuku hemeni (song contest) and a ho'okuku ha'i olelo (extemporaneous speaking contest), and a makeke hana lima (crafts fair). For information/registration call 933-3342 and 933-3479. Fee is $6 for the day.

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"State of OHA", continued from previous page

clearinghouse mechanism to enhance and coordinate programs serving the Hawaiian people.

"Our Board is justifiably proud of the progress we are making. These efforts become especially significant when we recognize that they are the building blocks to achieving the full trust entitlement due OHA. As you know, OHA is engaged in on-going negotiations with the Governor's office. We remain optimistic that we will soon approach the State Legislature with the beginning of this settlement package.

"Also of over riding interest to our Office is the full implementation and greater expansion of federal entitlements due the Hawaiian people.

"Right now, we are reviewing draft proposals to submit to our Congressional delegation regarding reparations. In addition, we are planning and have requested legislative appropriations for a co-ordinated four-year effort to achieve justice for Hawaiians. It is my belief, that with the concerted effort of all Hawaiians, 1993 will mark the end of a "Century of Dishonor" between the United States and the Hawaiian nation.

"In addition, we will continue to seek redress for those harms inflicted and daily suffered as a consequence of being a people dispossessed in our own homeland.

"This past week, I attended the first meeting of Papa Ola Lokahi—a five-member planning and governing board recognized by Congress to develop and guide the progress of the National Native Hawaiian Health Act.

"With OHA, Alu Like, E Ola Mau, the University of Hawai'i and the State Department of Health working together, and with the authorization of federal funds totaling more than $19 million over three years beginning in 1990—we can reverse the statistics of disease and early death which have taken so much of the joy out of Hawaiian families.

"Today, through a grant administered by OHA and implemented by Castle Hospital and the Honolulu Police Department, we are already effectively intervening in drug abuse prevention and treatment. This grant program was recently recognized as among the three best in the nation.

"Our achievements are growing. The list is virtually too long to share today—the Native Hawaiian Revolving Loan Fund, the kupuna program, the genealogy project, our OHA voter registration drive, traditional healing conferences, agreements with other Native American nations. I could stand here for hours just listing the initiatives which have been set in motion.

"Of course, I am not suggesting that there are no continuing hardships or that we have found answers to every problem. But the point to be made is that we have made some impressive first and second steps, and that we will continue walking towards our goal.

"Like the 'ahu'ula of old—the feathers of our cloak are gathered a few at a time, cherished, and added to, and as they are sewn together patterns of beauty are formed. With enough care and time, the cape will be finished—a sheltering glory which will inspire pride and strength."

THE ATHLETIC BOOSTER CLUB
OF THE KAMEHAMEHA SCHOOLS
PRESENTS ITS

7th ANNUAL FUNDRAISING
LUAU EVENT

Saturday, March 25, 1989
KEKUHAUPIO FIELDHOUSE
Kamehameha Schools

Social Hour 4:30 p.m. to 5:30 p.m.
Luau 5:30 p.m. to 7:30 p.m.

· MAKAHA SONS OF NIIHAU 4:30 p.m. ·
· KAPENA 7:00 p.m. ·

MENU
KALUA PIG · LAU LAU · LOMI SALMON · CHICKEN LONG RICE · SQUID LUAU · PIPIKAULA · RAW CRAB · RAW SQUID · OPIHI · AKE · HAUPIA · KULOLO · RICE · POI · CAKE · PUNCH

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7th ANNUAL FUNDRAISING LUAU TICKET ORDER FORM
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NUMBER OF TICKETS ________ x $15.00 = $ ________
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FOR ADDITIONAL INFORMATION, call [illegible]

Mai Wakinekona

Federal Laws, Continued

Law No: 100-446.
Bill No: H.R. 4867
Approved: September 27, 1988.
Title: Department of the Interior and Related Agencies
Appropriations, Fiscal Year, 1989
Native Hawaiian Provision:
National Park Service: Native Hawaiian Culture and Arts Program.
Authorizations: FY 1989 $600,000

Hawai'i Maritime Museum.
Authorizations: (in millions of dollars) FY 1989 $1

Law No: 100-458.
Bill No: H.R. 4587
Approved: October 1, 1988.
Title: Making appropriations for the Legislative Branch for the fiscal year ending September 30, 1989, and for other purposes.
Native Hawaiian Provision:
Funding for the Office of Technology Assessment (OTA) to conduct a comprehensive adolescent health study, including addressing the pressing needs of Native Hawaiian adolescents.
Authorizations: FY 1989 $100,000

Law No: 100-579.
Bill No: S. 136.
Approved: October 31, 1988.
Title: Native Hawaiian Health Care Act of 1988.
Native Hawaiian Provision:
Comprehensive Health Care Master Plan for Native Hawaiians. The Secretary of Health and Human Services ("Secretary") may make a grant to, or enter into a contract with, **Papa Ola Lokahi** to develop a Native Hawaiian comprehensive health care master plan designed to promote comprehensive health promotion and disease prevention services and to maintain and improve the health status of Native Hawaiians. Papa Ola Lokahi is an organization comprised of E Ola Mau, Office of Hawaiian Affairs, Alu Like, Inc., University of Hawai'i, and the Office of Hawaiian Health of the Hawai'i State Department of Health.

Authorizations: FY 1990 $700,000

Native Hawaiian Health Centers. The Secretary, in consultation with Papa Ola Lokahi, may make grants to, or enter into contracts with, any qualified entity to provide comprehensive health promotion and disease prevention services in addition to primary health services to Native Hawaiians. The Secretary shall give preference to Native Hawaiian health centers and Native Hawaiian organizations in making grants and entering into contracts with qualified entities. See H.R. 5210, Mai Wakinekona, December 1988, for detailed information.

Authorizations: (in millions of dollars) FY 1991 $5, FY 1992 $10.

Planning Grant or Contract for Native Hawaiian Health Centers. The Secretary may make a grant to, or enter into a contract with, Papa Ola Lokahi to plan Native Hawaiian health centers to serve the health needs of Native Hawaiian communities on Hawai'i, Maui, Moloka'i, Lana'i, O'ahu, Kaua'i, and Ni'ihau.

Authorizations: FY 1990 $900,000

Administrative Grant for Papa Ola Lokahi. The Secretary may make grants to, or enter into contracts with, Papa Ola Lokahi for (a) coordination, implementation, and updating of the comprehensive health care master plan; (b) training for the Native Hawaiian health care practitioners, community outreach workers, counselors, and cultural educators for the purpose of educating Native Hawaiians in health promotion and disease prevention; or (c) identification of and research into the diseases that are most prevalent among Native Hawaiians, including behavioral, biomedical, epidemiological, and health services.

Authorizations: (in millions of dollars) FY 1990 $1, FY 1991 $1, FY 1992 $1.

Inouye Sets Hearings On Homesteads For May 24-27

by Ed Michelman
Public Information Officer

In the 69 years since its passage, the federal government has failed to conduct in-depth hearings on how well the United States has fulfilled its trust obligations as set forth in the Hawaiian Homes Commission Act of 1920.

This is a failure which Hawaii's senior Senator Daniel K. Inouye intends to rectify this year. Inouye, chairman of the Senate Select Committee on Indian Affairs has announced a series of hearings to be held at homestead areas on four islands beginning May 24.

These "oversight" hearings are expected to determine whether the United States has lived up to its commitment to native Hawaiians and, if not, what legislation or other action might be appropriate if it appears there has been a breach of trust.

Inouye noted that the 1983 Federal-State Task Force on the Hawaiian Homes Commission Act made 134 recommendations, but indicated he was displeased with the government's lack of response to those recommendations.

Lurline McGregor, staff member of the Indian Affairs Committee, told **Ka Wai Ola O OHA** that the purpose of these hearings is to seek recommendations from groups and individuals affected by the Hawaiian Homes Act. She said there is not much doubt that a breach of trust has taken place and expects the testimony to establish that breach and focus on positive recommendations to determine how best to remedy it.

McGregor said one possible result of the hearings could be a recommendation for some form of sovereignty for native Hawaiians. In August of last year, Senator Inouye said sovereignty is "a legitimate issue that must be considered by the (Indian Affairs) committee and the Congress."

McGregor told **Ka Wai Ola O OHA**, "If people get themselves organized and come to the hearing speaking with more or less one voice . . . these hearings could very well be a vehicle for such a proposal."

McGregor said there are a lot of questions which would have to be addressed, foremost among which is the creation of a governing structure agreeable to the community. She said, "If the community can get together and figure out a way they would like to see this run, then I think it would be fair to say that Senator Inouye has been encouraging people to start thinking about how they want to achieve sovereignty."

The dates and locations of the oversight hearings are as follows:

Wednesday, May 24: Nanakuli, O'ahu
Thursday, May 25: Waimea, Kaua'i
Friday, May 26: Ho'**olehua, Moloka'i**
Saturday, May 27: Keaukaha, Hawai'i

A spokesman for Senator Inouye said the Committee will issue invitations to expert witnesses, legal and historical, for the morning sessions and to homestead associations for the afternoon sessions on each of the islands. Other groups who are potential beneficiaries will also be contacted. The spokesman said any homesteader wishing to testify should contact their homestead association.

Individuals wishing to testify in the capacity of a professional expert should write to: Senator Daniel K. Inouye, Chairman, Select Committee on Indian Affairs, SH-838, U.S. Senate, Washington, D.C. 20510-6450.

OHA Chairmen Meet D.C. Leaders, Talk On Federal/Hawaiian Issues

OHA Board of Trustees Chairman Thomas Kaulukukui, Sr. and Vice Chairman Rodney K. Burgess traveled to Washington, D.C. last month for a week-long series of meetings with Hawaii's congressional delegation and administration officials to discuss significant issues affecting Hawaiians on the national level.

"Reparations from the federal government for the losses of land and sovereignty suffered as a result of American involvement in the overthrow of the Hawaiian kingdom remains an overriding priority," Chairman Kaulukukui noted. "Late last year, Senator Inouye and the Senate Select Subcommittee on Indian Affairs conducted a hearing in Hawai'i regarding possible future approaches to address the reparations question."

On behalf of the board, said Kaulukukui, he and Burgess met with the congressional delegation to:

- request an update on likely Senate committee recommendations regarding the formation of a congressional commission on Native Hawaiian reparations;
- share OHA initiatives to continue work on a proposed draft of reparations legislation which is being developed by attorneys Melody McKenzie and Jon Van Dyke through a contract with OHA, and
- to share OHA plans for sharing the draft with the Hawaiian community for their recommendations and support.

Other areas of concern which were discussed included the status and funding of the Native Hawaiian Health and Education Acts recently signed into law, support for the Kamaka family's efforts to regain ancestral lands in Waikane Valley, and additional federal grant opportunities available through the Administration for Native Americans (ANA).

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Trustee's Views

(This column is open to all OHA Trustees as a vehicle for them to express their mana'o. Opinions expressed are those of the individual Trustees and do not necessarily represent the official position of the OHA Board of Trustees.)

On Sovereignty

by Clarence F.T. Ching
Trustee, O'ahu

Since Hawai'i was "discovered" by westerners some 200 years ago, Hawai'i and Hawaiians have suffered many black days.

Those were black days indeed when we were ravished by the diseases of the outside world brought to us by the haole. Depending on what source one uses, our population plummeted from close to 400,000 to 40,000. An Aloha Stadium filled with 40,000 persons would have been reduced to 4,000. For every 10 persons, only one was left.

Our black days continued when our beloved Queen Lili'uokalani was illegally stripped of her throne. Many of our kupuna hid themselves in their homes and shut themselves off from the world outside as they suffered from the loss of our sovereignty and our lands. This occurred less than a hundred years ago—a very short time in the history of man.

Those days when we shut ourselves from the outside world are no more. We may still have a few dark days now and then, but we don't hide behind our closed shutters anymore.

OHA was organized to be the state agency to advocate for and take care of the affairs of the Hawaiian people. It was, among other things, set up to be the repository for federal reparations.

What then is the role that OHA may play, will play, in the current call for "sovereignty?"

Some of OHA's beneficiaries get very upset because OHA is unable to meet their expectations in solving all of their immediate problems. However, we must realize that there is no way that OHA can solve every problem for all Hawaiians. OHA does not have the necessary resources.

It is difficult to compare OHA's annual budget of about $2.5 million to the $18 million given to Hawaiian Homes in 1988 just for infrastructure, or better yet, to the nearly $1 billion ($1,000 million) budget of the State Department of Education.

Although OHA is not a perfect organization, it has qualities and powers that make it a most important entity in the spectrum of things Hawaiian.

Charles F. Wilkinson, professor of law at the University of Colorado, at last summer's sovereignty workshop, noted there are three kinds of sovereignty in the U.S.—federal, state and native governments. Then he mentioned the three elements necessary to achieve some kind of sovereignty. Those elements are:

1. recognition of that sovereignty by the federal and state governments;
2. structure; and
3. land base.

The question is: Could OHA fit Professor Wilkinson's model of a sovereign entity?

Recognition

OHA was organized to be that sovereign entity. According to Trustee A. Frenchy DeSoto, the "mother" of OHA, OHA was designed to be a kind of "nation within a nation."

To be recognized as the sovereign entity, OHA would have to petition the federal government for a charter recognizing it as that sovereign entity. OHA could also enter into a compact with the U.S.

Many argue that OHA cannot be the sovereign entity because it is a state agency which can be wiped out by a simple amendment of the State Constitution. Let's face it, OHA is not a regular state agency. It is a hybrid, and there is always the possibility that a further hybridized OHA could gain federal recognition.

After OHA got all that it is entitled to from the state, why wouldn't the state be willing to turn OHA loose? The principal reason for OHA's ties to the state at this time is because OHA needs the income from the state ceded lands trust in order to operate. It also needed to get its start somewhere. Whatever the reason, OHA started out as a state agency. But it doesn't have to remain a state agency forever.

OHA exercised its sovereignty or self-determination when it carried out its referendum last November (even though Hawai'i state law does not allow it), and OHA's beneficiaries expressed their personal self-determination by deciding that the Single Definition was what we wanted.

Structure

OHA already has a structure. It would be simple to restructure OHA into a sovereign governmental entity.

OHA has an election process. We as a people now elect trustees. We could easily elect other office-holders of the sovereign governmental entity.

The relationship of the "new OHA" with the federal government would have to be worked out. Hawaiians would approve their preferred form of sovereignty by vote.

OHA, with the Western Pacific Regional Fishery Management Council, has appropriated moneys for a study to define the rights of native Hawaiians to open ocean and bottom fish in the Northwestern Hawaiian islands. Federal recognition of those rights is a step towards federal recognition of Hawaiian sovereignty.

Recognition by the State of its breaches in the ongoing negotiations for a ceded lands entitlements settlement and the recent Right to Sue law gets OHA closer to a kind of state recognition of Hawaiian sovereignty.

Recognition of OHA by our congressional delegation as the representative of the Hawaiian people and a conduit for federal moneys may be likened to a recognition of OHA as the future sovereign entity.

Land Base

OHA is in the process of acquiring a land base. OHA acquired its first piece of land in December 1988 when Pahua Heiau in Hawai'i Kai was transferred to OHA by the Bishop Estate.

The Kuleana Escheat Law is bringing to OHA lands that were formerly lost to non-Hawaiians.

Repositories for the bones of na kupuna will come under the control of OHA either by outright deed or by historical easements.

That OHA fulfills becoming the elements of the sovereignty model and is on its way to become that entity cannot be denied. Although OHA is a "young" organization, it is taking the important steps that may result in its being acknowledged as the sovereign entity by the majority of Hawaiian people and of the federal and state governments.

There are those, however, who have an agenda of their own. Their strategy is to call for "sovereignty" first so that they will be in line for the expected "reparations." They are using every ounce of pressure they can muster to keep Congress from addressing a bill to provide reparations for Hawaiians at this time. They are demanding to see a draft of a proposed reparations bill that has not yet been finalized. They are calling for public meetings on a proposed bill that is non-existent in final form. They are accusing OHA's Chair and Vice-Chair of taking a phantom reparations bill to Washington. Their calls may be premature.

In a letter to OHA Chair Thomas Kaulukukui dated January 30, 1989, and signed by Kekuni Blaisdell, Acting Interim Director of the Center for Hawaiian Studies, University of Hawai'i at Manoa, and representing 10 "Native Hawaiian" organizations, they say:

> "At the federal level, any reparations and return of Hawaiian Lands are owed to the Hawaiian people as a sovereign nation, and not to OHA as a State of Hawai'i agency.
>
> Therefore, any proposals for reparations and return of Hawaiian lands must not in any way curtail our sovereignty."

The Hawaiian majority that OHA represents will see through the smokescreen of OHA's critics whose strategies include: 1) bombarding OHA with misrepresentations and unfair criticism and "muddying the water" to switch consensus to them; 2) insinuating wrongly that OHA will forever be a state agency as it now is and that OHA cannot ever be transformed into the future sovereign entity; 3) applying pressure on Hawai'i's congressional delegation for non-recognition of OHA as the repository for reparations which is spelled out by state law and as acknowledged by the majority of Hawaiian beneficiaries; and 4) attempting to position themselves to intercept the resources that are intended to go to OHA and the Hawaiian people as contemplated by state law.

Please stay tuned. There are those skeptics who believe that the high level of interest in sovereignty by groups outside OHA would not be taking place at this time were it not for the promise of millions of reparations dollars.

Note: The 10 "Native Hawaiian" organizations include: Pro-Hawaiian Sovereignty Working Group, Ka Lahui Hawai'i, Na Maka O Ka 'Aina, United Hawai'i Aloha, Council of Hawaiian Organizations (COHO), Na 'Oiwi O Hawai'i, Protect Kaho'olawe 'Ohana, 'Uhane Noa Foundation, E Haumana Aloha 'Aina and UH Center for Hawaiian Studies.

Hawaiian, Indian Poetry In Forum

The Hawaiian "renaissance" has brought with it a renewed interest among Hawai'i's people to write, both in Hawaiian and in English, on local topics. A similar movement has occurred in the southwestern states of Arizona and New Mexico, where a contemporary literature based on traditional Indian cultures has emerged. These two traditions will meet for the first time ever in a public forum in Hawai'i on March 15 at 7 p.m. in room 306 of the University of Hawai'i at Hilo Campus Center. The forum is free and open to all interested in contemporary Hawaiian and Native American culture.

Representing the southwest will be Luci Tapahonso, Navajo poet in English, from the University of New Mexico, Dr. Ofelia Zepeda, and Tohono O'odham, poet in the O'odham language from the University of Arizona.

Representing Hawai'i from the University of Hawai'i at Hilo will be Kalena Silva, Hawaiian poet and chanter and Miyako Sugano, English instructor for the first UH systems course on local literature in English and pidgin.

The main focus of the forum will be poetry/lyrics. In both Hawai'i and the southwest, a major form of ancient traditional literature is the chant or song. Contemporary poetry in both indigenous languages builds upon the ancient tradition. Introductory videotaped materials on southwest Indian cultures will be included in the forum.

No registration is necessary. For information call 933-3464.

July 3, 1989

Ms. Linda DeLaney, Land Officer
Office of Hawaiian Affairs
1600 Kapiolani Boulevard
Suite 1500
Honolulu, Hawaii
96814

Dear Ms. DeLaney:

I am writing to you as a qualified beneficiary of the Hawaiian Homes Commission Act of 1920 as compacted in §4 and enforceable in §5(f) of the Admissions Act, and for whom, purportedly, the Office of Hawaiian Affairs was created by the State Constitutional Convention of 1978, to benefit native Hawaiians as defined in the Hawaiian Homes Commission Act of 1920.

This letter is to follow up my conversation with your staff member, Ms. Tane Wailealua who informed me that you had coordinated the "Single Definition" referendum of last fall in Hawaii, whereby the Office of Hawaiian Affairs purported to ask all Hawaiians whether they wanted a single definition of "native Hawaiian" in regards to the implementations of OHA programs.

I am requesting a copy of this referendum you had placed before the OHA constituency so that I may compile documentation on this matter.

As a qualified native Hawaiian beneficiary of the Hawaiian Homes Commission Act of 1920, I want you and the Trustees of OHA to clearly understand that I am opposed to any effort to lower the blood quantum of the original lessees under the Act of 1920.

In this regard, I have a number of questions that I would like for you to provide answers to me as soon as possible.

1) Does OHA have the figures as to the exact amount of qualified beneficiaries whom are qualified under the Hawaiian Homes Commission Act of 1920, that were in favor and voted for this referendum?, and

2) Can you break down the figures so that OHA can differentiate between those who are not qualified under the Hawaiian Homes Commission Act of 1920 and who favored this referendum and distinguish that figure from those who are qualified under the Hawaiian Homes Commission Act of 1920 and were opposed to this referendum?

I would like for you and the Board of Trustees of the Office of Hawaiian Affairs to be put on notice that as a qualified beneficiary, I think that that referendum move was one of the more sneakier items on the agenda at OHA that I have seen come out of your office lately. I approve of former administrator Kamaki Kanahele's and present Trustee Mo Keale's disapproval of, what amounts to, yet another ploy to lower the blood quantum by those in OHA who are not qualified beneficiaries under the Act of 1920 as well those whom are---yet are too ignorant or callous to recognize those qualified beneficiaries that expressly do not wish to lower the blood quantum under the Act of 1920.

I would also like to take this opportunity to voice my disgust at Clarence Ching's article which appeared in the March 1989 Ka Wai Ola o OHA newspaper. He demonstrated an utter lack of comprehension of the law and openly called into question his ability to make any decisions for the qualified beneficiaries under the Hawaiian Homes Commission Act of 1920.

First of all, he was dead wrong to assert that OHA was created to be a nation within a nation, and was created by native Hawaiians.

If you recall, it was created by a State of Hawaii Constitutional Convention in 1978 and is therefore within the legislative reach and, more importantly, repeal of the State of Hawaii. S.C.R. 784, at 1352. Perhaps Mr. Ching ought to go back to law school to relearn what he ought have in the first place, that is, how to think logically.

Second of all, Mr. Ching is not a qualified beneficiary under the Hawaiian Homes Commission Act of 1920, and I resent persons such as he making decisions on our behalf.

Furthermore, I would like for the entire Office of Hawaiian Affairs to be put on notice that I personally do not like what I am hearing from my Keaukaha-Panaewa Hawaiian Homestead Community Association in Hilo, Island of Hawaii, as to what you folks are up to in Honolulu in attempting to sneakily lower the blood quantum in the most underhanded fashion.

In this regard, the Office of Hawaiian Affairs has proven itself to be non-cost effective and, one more thing, I am incensed that your Office of Hawaiian Affairs is not providing scholarships to the qualified beneficiaries under the Hawaiian Homes Commission Act of 1920---those same beneficiaries which make up the dismal socio-economic profile and upon whose backs those not qualified under the Act of 1920, ride.

I am considering various forms of taking appropriate action as a qualified beneficiary, and am not excluding the very real possiblity of filing a class action suit against each and every one of you in support of that sneaky, underhanded ploy to lower the blood quantum.

Sincerely,

Emmett E. Lee Loy
1611 Colonial Terrace
Arlington, Virginia
22209

July 7, 1959

Board of Trustees, Office of Hawaiian Affairs
1600 Kapiolani Boulevard
Suite 1500
Honolulu, Hawaii
86814

Dear Members of the Board of Trustees:

This letter is to follow-up my telephone conversation with Mr. Brian Doty of 7/5/89. Mr. Doty identified himself as a staff member of Land Officer Linda DeLaney, and he provided me with some figures about the controversial "Single Definition" referendum (which Ms. Tane Wailealua had earlier informed me that Ms. DeLaney had coordinated last fall).

I am asking that your Office of Hawaiian Affairs provide to me, in writing, those figures which Mr. Doty had recited in his telephone conversation of 7/5/89. I found those figures, as represented by Mr. Doty, to be nothing short of unbelievable.

I asked Mr. Doty, as I am now again asking each and everyone of you Trustees of OHA, jointly and severally, "Can you tell me from those figures that Mr. Doty recited, as to (1) how many qualified beneficiaries (as defined in the Hawaiian Homes Commission Act of 1920) that your office can verify under oath and affidavit and supported by documented proof, that voted in favor of that 'Single Definition' referendum? and, (2) how many persons who voted in favor of this single definition referedum whom are not qualified beneficiaries under the Hawaiian Homes Commission Act of 1920?"

Mr. Doty was unable to provide these exact figures and, in fact, sought to intentionally mislead me with figures that were taken entirely out of the context of the question I had addressed to him. When I pointed out his failure to answer the question correctly, Mr. Doty snapped, "Why are you calling about those figures, Mr. Lee Loy, why am I even wasting time talking to you?"

As a qualified beneficiary under the Hawaiian Homes Commission Act of 1920, as well as Section 5, subsection (f) of the Admissions Act, I did not appreciate Mr. Brian Doty's rude attitude towards me as an individual who is supposed to benefit from the existance of OHA; to include my benefitting from information about those in OHA whom may be scheming or even conspiring to violate federal law and lower the blood quantum in an underhanded or unlawful manner.

Mr. Doty's ignorance of how the government is supposed to work, may be a harbinger of what occurs at the higher levels of OHA, to include the Board of Trustees.

In case you Trustee's of OHA have forgotten, as manifested by the ignorance displayed by Mr. Doty, I will tell you all why I have a right to inquire about what some of you Trustee's (as well as staff members who are not qualified beneficiaries under the Act of 1920, i.e. Ms. Linda DeLaney and Mr. Brian Doty) are up to at OHA: I am a qualified beneficiary under the Hawaiian Homes

Commission Act of 1920, which same definition is reiterated in Section 5, subsection (f) of the Hawaii Statehood Act.

As a qualified beneficary, I have federally created rights under at least two seperate acts of Congress. I also have a right to inquire about what OHA is up to in attempting lower the blood quantum of the Hawaiian Homes Commission Act of 1920, especially when OHA is asking non-beneficiaries not qualified under the Acts of 1920 and 1959 if they want a single definition.

What is sneaky about this "Single Definition" referendum is that it appears that OHA has taken figures from those not qualified under the Acts of 1920 and 1959 whom voted in favor of the "Single Definition" referendum, and engaged in deception by mixing those numbers with figures gathered from qualified beneficiaries refusing to support such a ridiculous move to lower the blood quantum. Most importantly, there is aboslutely no evidence that OHA even attempted to account for the real voting interests of the qualified beneficiaries under the Hawaiian Homes Commission Act of 1920.

Just like when OHA first started co-mingling our 5(f) revenues and expending those 5(f) revenues on non-beneficiaries, and continued to so expend those 5(f) revenues on non-beneficiaries until OHA was prohibited to do so by the Attorney General's Office.

Remember the Attorney General's Opinion Number 83-2 (1983) telling OHA that the legislature may not, consistent with subsection (f) and Hawaii Constitution Article XII, authorize OHA to use funds derived from the public trust to better the conditions of "Hawaiians," as defined in §10-2, as distinguished from "native Hawaiians," as defined in subsection (f)? Please read it again and memorize it. As you know, many qualified beneficiaries are upset with this latest move by OHA, as it acts in direct derogation of our federally created rights under the Acts of 1920 and 1959.

But in case selective retention has set in over at OHA, and has caused you to forget the previous sentence, I shall repeat it so that you Trustees and rude staff members can regurgitate it. "As you know, many qualified beneficiaries are upset with this latest move by OHA, as it acts in direct derogation of our federally created rights under the Acts of 1920 and 1959."

Please provide me with those figures about the "Single Definition" referendum as soon as possible.

Sincerely,

Emmett E. Lee Loy
1611 Colonial Terrace
Arlington, Virginia 22209

July 11, 1989

The Honorable Daniel K. Inouye
United States Senate,
Hart Senate Office Building
Washington, D.C. 20001

Dear Senator Inouye:

I am writing to you today, as a qualified beneficiary under the Hawaiian Homes Commission Act of 1920 that has been waiting for almost ten years on the infamous Department of Hawaiian Home Lands DHHL "waiting list" for pasture lands, which same lands are presently leased to persons and entities not contemplated by the Act of 1920. I am also writing to you as your constituent.

By way of your June 22, 1989 memorandum, I understand that you intend to conduct oversight hearings on the administration of State and Federal responsiblility for Hawaiian Home Lands and related issues.

As a qualified beneficiary whom has witnessed the malfeasance of the State of Hawaii's administration of our Hawaiian Home Lands, I want you to understand that there are over 17, 643 qualified beneficiaries whom have proven their descendancy as qualified beneficiaries to the satisfaction of the Department of Hawaiian Home Lands applications office, and which same 17,643 beneficiaries continue to "wait" for their lands. See Department of Hawaiian Home Lands (DHHL) 1988 Annual Report, at pg. 7.

Moreover, the figure provided by DHHL as to 17,643 is misleading, and, in point of fact, it is actually deceptive. This figure does not reflect the accurate number of qualified beneficiaries waiting for their lands. See DHHL 1988 Annual Report, at pg. 8, which states in part "Though leases were awarded, use of these unimproved parcels are delayed until lots are improved and meet county standards." The effect of this delay of use by the qualified beneficiaries to their awarded leases, is (1) a commencing on the tolling of the 99 year lease time frame under the Act of 1920, as well as (2) a direct violation of the express statutory language found in §4 of the compact of the Admission Act of 1959 which states in part:

> "[A]nd the encumbrances authorized to be placed on Hawaiian home lands by officers other than those charged with the administration of said Act, shall not be increased, except with the consent of the United States."

The direct violation is found in the encumberances increased by the imposition of county standards on the lands, and which encumberances is expressly prohibited by black letter law.

But more importantly, and for the main purpose of my communication to you today as your constituent, I expressly wish that you not consider any amendments as to the qualifications of the original lessees to the Hawaiian Homes Commission Act of 1920. That is, I expressly do not wish for you to consider lowering the blood quantum requirement found at §201 (a)(7) of said Act. I articulate this concern, in order to drive home the idea clearly in your mind, that there are over 17,643 qualified beneficiaries whom continue to be denied their leases by state of Hawaii officials acting under color of state law.

My concern here goes to the fact that the higher blood quantum native Hawaiians are the ones that comprise the dismal socio-economic profile that is not found among the lower quantum Hawaiians. Further, you ought to be cognizant of the fact that there are lower quantum Hawaiians in key positions of power and influence---not excluding Capitol Hill---that may aim to utilize these hearings that you are holding, in order to further their designs, which, in turn, may amount to breaking the Hawaiian Home Lands trust and divesting the qualified beneficiaries of their lands encumbered in the Act of 1920, which they have not yet enjoyed.

Furthermore, you ought to be aware that the qualified beneficiary community is very, very different from that found at, say, the Kamehameha Schools, where a no miminal blood quantum requirement effectively diminishes the access by qualified beneficiaries to the Kamehameha Schools and its education, as qualified beneficiaries face formidable competition by much more able lower quantum Hawaiians over limited slots. I can attest to this observation as a Kamehameha Schools graduate that personally witnessed the disproportionate low representation of qualified beneficiaries at the Kamehameha Schools.

I would appreciate your consideration of the above facts, and expressly wish that you not lower the blood quantum requirements of the original lessees found in §201(a)(7).

Sincerely,

Emmett E. Lee Loy
1611 Colonial Terrace
Arlington, Virginia
22209

July 20, 1989

Patricia Zell, Chief Counsel
United States Senate
Select Committe on Indian Affairs
Washington, D.C. 20001

Dear Patricia:

This is to follow up our conversation of July 18, 1989, whereby I had notified you of the efforts of some members of the Board of Trusteees, Office of Hawaiian Affairs and some of their staff whom have sought to divest the qualified beneficiaries of their unenjoyed equitable property rights encumbered in the Hawaiian Homes Commission Act of 1920 and the §5(f) ceded lands trust, by attempting to lower the blood quantum of the HHCA of 1920 against our expressed wishes to do so.

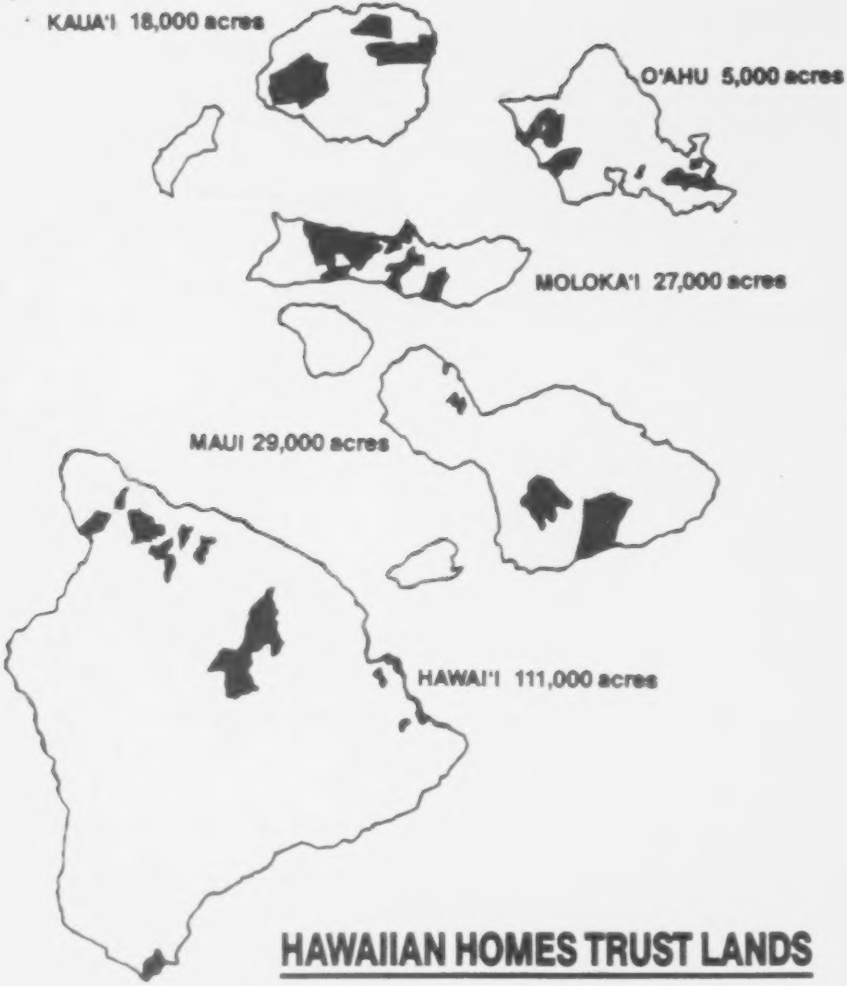
Enclosed for your review are recent communications to the Office of Hawaiian Affairs expressing my disapproval of their efforts to lower the blood quantum and allow the qualified beneficaries (whom have not enjoyed their federally created rights of 1920 and 1959) to recede in the larger pool of lower quantum Hawaiians whom will come forward and absord the bulk of the "benefits" not yet enjoyed by the qualified beneficiaries. Enclosed also is a recent communication to my Senator Inouye expressing my interest as his constituent to not consider amending the definition of the qualified beneficiaries found at §201 (a)(7) of the HHCA.

Further, it is important to bear in mind the unextinguished equitable title to undivided communal lands encumbered in the HHCA and the §5(f) land trusts which the qualified beneficiaris can trace an unbroken chain of property rights as heirs to persons whom did not enjoy an interest in lands divided in the Mahele of 1848 and the Kuleana Land Grant Acts of 1852-56. The qualified beneficiaries whom remain on the waiting list today (at least 18,643) are the direct heirs to persons dispossessed by the Hawaiian Monarchy in 1848 and during the period of 1852-56, and which same persons and heirs remained dispossessed until the inevitable overthrow in 1893.

I appreciate you keeping in mind the anxieties I expressed as a qualified beneficiary whom has been waiting almost ten years for my lease, and the efforts of those at OHA (many of whom are not qualified beneficiaries and) whom seek to take away our vested property rights encumbered in the HHCA of 1920 and §5(f) of 1959, by attempting to lower the blood quantum in an unlawful manner. See Clarence Ching's Article in OHA paper of March 1989, where he states the "single definition" referendum was not authorized by State law.

Sincerely,

Emmett E. Lee Loy
1611 Colonial Terrace
Arlington, Virginia


KAUA'I 18,000 acres
O'AHU 5,000 acres
MOLOKA'I 27,000 acres
MAUI 29,000 acres
HAWAI'I 111,000 acres

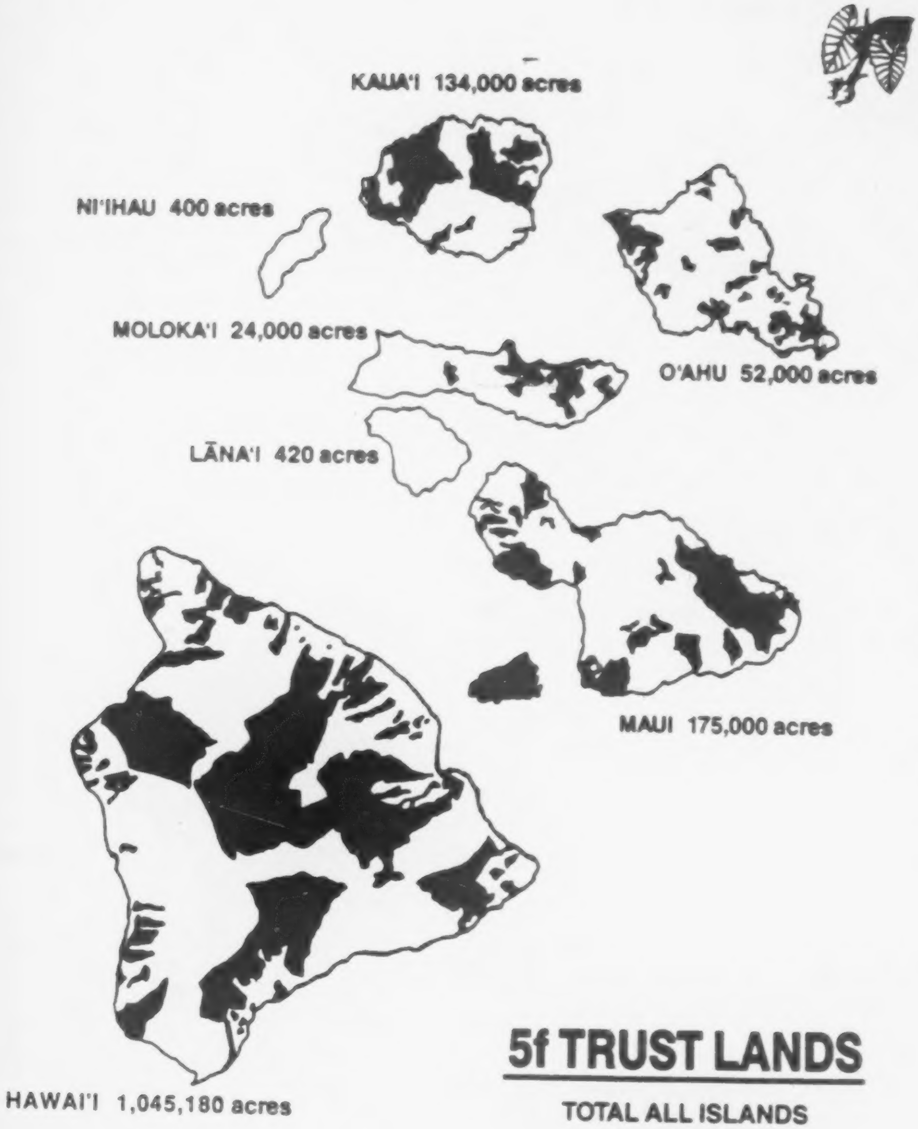
HAWAIIAN HOMES TRUST LANDS

TOTAL ALL ISLANDS

190,000 acres

© Native Land Trust Task Force 1987

EXHIBIT "E"


KAUA'I 134,000 acres
NI'IHAU 400 acres
O'AHU 52,000 acres
MOLOKA'I 24,000 acres
LĀNA'I 420 acres
MAUI 175,000 acres
HAWAI'I 1,045,180 acres

5f TRUST LANDS

TOTAL ALL ISLANDS
1,431,000 acres

© Native Land Trust Task Force 1987

Supplementary Prepared Testimony of

Emmett E. Lee Loy

Secretary (1989-90),
Native American Law Students Association
University of Colorado School of Law
Boulder, Colorado

Summer Law Clerk (1989)
United States Department of Justice
Indian Resources Section,
Land and Natural Resources Division
Washington, D.C.

on

"Evidence of Various State of Hawaii Officials Seeking to Divest Qualified Beneficiaries of Unenjoyed Equitable Property Rights under The Hawaiian Homes Commission Act of 1920, By Unlawfull Attempts to Lower the Blood Quantum"

for

Inclusion into the Hearing Record
of the Congressional Oversight Hearings
on the Hawaiian Homes Commission Act of 1920
And Implementation of the Findings of the
1983 Federal-State Task Force on the HHCA

being held by

U.S. Senate Select Committee on Indian Affairs

and the

U.S. House Committee on Interior and Insular Affairs

101st Congress, 1st Session

Between August 7 through 11, 1989
in the Hawaiian Islands

Monday August 14, 1989

Mr. Mike Crozier, State Senator
Chairman, Committee on Housing
and Hawaiian Programs
Hawaii State Capitol
Honolulu, Hawaii 96813

Dear Senator Mike Crozier:

I am writing to you today as a qualified beneficiary under the Hawaiian Homes Commission Act (HHCA) of 1920 that has been waiting for almost ten years on the infamous Department of Hawaiian Home Lands (DHHL) waiting list for pasture lands, which same lands are presently leased to persons and entities not contemplated by the HHCA of 1920.

Pursuant to your quoted in comments in the March 1989 issue of the Office of Hawaiian Affairs newspaper Ka Wai Ola o OHA, which quoted a part of a speech you had made on the state of Hawaii Senate floor that you had stated in part:

> "This issue of blood quantum is still here. It must be resolved so that the Office of Hawaiian Affairs can truly begin to have the positive effects which so many of us believe in our hearts it can accomplish. The Trustees of the Office of Hawaiian Affairs want to allay any misunderstanding and misgiving and are **willing to have an educational programme** to make Hawaiians and Native Hawaiians aware of all aspects of the 'blood quantum' issue".

I strongly object to your support of OHA's effort to divest the qualified beneficiaries of their yet to be realized vested interests in their assets encumbered within the HHCA of 1920 and the Hawaii Admission Act of 1959 §5(f), by lowering the blood quantum for purposes of qualifying as an original lessee, under this invidious disguise of a "single definition" referendum.

What are you doing, appropriating money for OHA to have an educational programme about our consistent defense of the not less than one half definition of native Hawaiian found at §201 (a)(7) of the HHCA, 42 Stat. 108 et seq.? This appears perilously close to the educational programmes of the various communist bloc countries trying to brainwash its citizens in to supporting an idea repugnant to their vested interests. Don't **you think we can make up our own minds, without state of Hawaii officials wasting money to try and have us change our position -- a position, I might add, that we have consistently defended since the implementation of the HHCA and our refusal to lower the blood quantum for purposes of qualifying as an original lessee under the HHCA of 1920?**

You stated:

> **"[A]s a part Hawaiian, a senator and as chairman of the Housing and Hawaiian Affairs Committee, I publicly state that I recognize the Trustees of the Office of Hawaiian Affairs as the duly elected leaders of the Hawaiian people. I will extend to them all privileges and courtesies merited an institution which is charged with the grave responsibilities it must shoulder."**

Why stop there, Senator Crozier? Why not turn to the Bureau of Indian Affairs while your at it and recognize them too as the duly elected leaders of the Indian Tribes? After all the BIA officials are appointed by the elected officials of the U.S. Government to represent the Indians?

I wish to point out that your confusion of the trustee-ward relationship, exacerbated by your blind support of OHA, should not be visited upon the unenjoyed benefits of the beneficiaries. (Incidentally, Trustee-ward are artificial terms, i.e. legal fictions, and should not be cause for new misunderstandings ultimately aimed to lower the blood quantum requirements.)

As a qualified beneficiary whom is aware of OHA's fraudulent effort to divest the qualified beneficiaries, under the HHCA and 5(f), of their yet to be realized property rights, I urge you to stop wasting your time and my tax money trying to reprogramme the qualified beneficiaries with "educational programmes".

I understand that you are an elected official of the state of Hawaii and a majority of your constituents are not qualified beneficiaries and that your effort to lower the blood quantum is consistant with the State of Hawaii's oppressive and hostile policies toward the higher blood quantum Hawaiians, i.e. the State's failure to administer the Hawaiian Homes Commission Act of 1920 properly for the last 30 years. But I urge you to understand educated beneficiaries **not wanting to lower the blood quantum**.

Sincerely,

Emmett E. Lee Loy
Washington, D.C.

cc: For the Hearing Record of the Congressional Oversight Hearings on the Hawaiian Homes Commission Act of 1920 and the Implementation of the Findings of the 1983 Federal-State Task Force, being held by the United States Senate Select Committee on Indian Affairs and the House Committee on Interior and Insular Affairs, 101st Congress, First Session, being held in the Hawaiian Islands between August 7, thru August 11, 1989.

Ka Wai Ola O OHA

Trustees Select Paglinawan As Administrator

The Office of Hawaiian Affairs has announced the selection of Richard [illegible] Paglinawan as its new administrator, effective [illegible]. Paglinawan was chosen from a field of 43 [illegible] OHA's monthly board meeting [illegible]. The announcement was made on [illegible].

OHA Chairman Thomas K. Kaulukukui, Sr. said, "I am very pleased that a person of Mr. Paglinawan's stature, experience and administrative skills has agreed to serve as our administrator. His proven ability during some 20 years in state government positions, combined with his knowledge of Hawaiian cultural practices and his work toward bettering the conditions of Hawaiians make him an ideal choice."

Paglinawan said he looks forward to being a part of the growth and maturation of the Office of Hawaiian Affairs. That process, he said, "involves Hawaiians making their own mistakes and learning from these mistakes, also achieving success upon successes."

Paglinawan has served as deputy director of the State Department of Hawaiian Home Lands (1968-1975), deputy director of the former Department of Social Services and Housing (1975-1976) and special projects coordinator for the Housing Finance & Development Corporation of the Department of Business and Economic Development (1980-1982).

Richard K. Paglinawan

In the private sector, between 1963 and 1968, he was a social worker and VISTA supervisor at Queen Lili'uokalani Children's Center. Before coming to OHA, he was tenant services branch chief for the Hawai'i Housing Authority, Department of Human Services.

As an undergraduate student at the University of Hawai'i, Paglinawan minored in anthropology and trained in Hawaiian archaeology under Dr. Kenneth Emory. He studied the Hawaiian language for four years with the Reverend Samuel Keala and Dr. Samuel Elbert.

He worked with the late Mary Kawena Pukui for about 15 years, studying social and mental health practices of native Hawaiians as well as the Hawaiian method of problem resolution called "ho'oponopono."

Paglinawan earned his B.A. degree in sociology from the University of Hawai'i in 1960 and a M.S.S. at the UH School of Social Work in 1962.

He and his wife, Lynette, who also holds a master's degree in social work, are the parents of four children.

Paglinawan is the recipient of the National Award of Merit from the American Association for State and Local History, the Meritorious Award for Outstanding Educational Services by the State Department of Education, and was nominated as Young Public Servant of the Year by the Hawai'i Junior Chamber of Commerce.

Definition of Native Hawaiian, Ceded Lands

OHA To Wait On Constitutional Amendments

by Ed Michelman,
Public Information Officer

The State Senate apparently has decided to put off until the next session of the legislature consideration of OHA's request for two important amendments to the state constitution.

OHA's had introduced a bill to place before Hawaii's voters the question of whether there should be a single definition of "native Hawaiian" as well as an expansion of the ceded land trust to benefit Hawaiians of less than 50 percent native blood.

The decision to hold the bill came after a public hearing before the Senate Committee on Housing and Hawaiian Programs, chaired by Senator Mike Crozier. Apparently, some committee members had questions about the bill which could not be immediately resolved. However, Senator Crozier noted during a speech on the Senate floor, "This issue of blood quantum is still here. It must be resolved so that the Office of Hawaiian Affairs can truly begin to have the positive effect which so many of us believe in our hearts it can accomplish. The Trustees of the Office of Hawaiian Affairs want to allay any misunderstanding and misgiving and are willing to have an educational program to make Hawaiians and Native Hawaiians aware of all aspects of the 'blood quantum' issue."

Crozier concluded, "I believe in the Office of Hawaiian Affairs, and as a part-Hawaiian, a senator and as the chairman of the Housing and Hawaiian Affairs Committee, I publicly state that I recognize the Trustees of the Office of Hawaiian Affairs as the duly elected leaders of the Hawaiian people. I will extend to them all privileges and courtesies merited to an institution which is charged with the grave responsibilities it must shoulder."

Crozier recommended an appropriation in the amount of $60,000 for OHA to reinforce its previous educational program informing the Hawaiian community of all aspects of the blood quantum issue. He also suggested an additional balloting process.

OHA Vice Chairman Rod Burgess said in view of the decision to hold the bill this session, a further concerted effort will be made to demonstrate to individual Hawaiians as well as to the various Hawaiian organizations that the single definition option is "the best course for all our people, a course which will insure that we will survive and flourish as a race."

"If further clarification of the long term impact of a single definition is needed, we welcome the opportunity to explore the various ramifications of

See Amendments, Page 2

At a February 4 press conference, OHA trustees announced their proposed amendments to the state constitution. Left to right: Clarence Ching, Rod Burgess, Thomas Kaulukukui, Moanikeala Akaka, and Manu Kahaiali'i.

August 4, 1989

Mr. Clarence Ching, O'ahu Trustee
THE STATE OF HAWAII
Office of Hawaiian Affairs (OHA)
1600 Kapiolani Boulevard, Suite 1500
Honolulu, Hawaii 96814

Dear Mr. Clarence F.T. Ching:

I received your letter of July 25, 1989 and found it to be a comment on your skill to dodge issues and sidestep a substantive discussion of OHA's engagement in deception to lower the blood quantum requirements for purposes of qualifying as an original lessee under the Hawaiian Homes Commission Act (HHCA) of 1920; which definition is repeated at §5(f) of the Admission Act of 1959 and in the 1978 Constitution that created OHA and which binds OHA to use the §5(f) proceeds soley for the benefit of such qualified beneficiaries.

Your participation in OHA's conspiracy to lower the blood quantum by asking non-beneficiaries if they wanted a "Single Definition" in a November 1988 mail in referendum, (and OHA's manipulating those figures with those gathered from qualified beneficiaries resisting such a ridiculous move, in order to arrive at OHA's fraudulent conclusion that "a majority of all Hawaiians" [See Ka Wai Ola o Oha March 89 at page 2] want a no minimal blood quantum requirement for purposes of receiving "benefits",) underscores the aim of those bent on divesting qualified beneficiaries of yet to be realized benefits under the HHCA and the Admission Act §5(f) land trusts.

Throughout your entire letter, Mr. Ching, you failed to address my concern about OHA's fraudulent attempt to divest the qualified beneficiaries of their yet to be realized benefits under the §5(f) land trust, by that sneaky move to ask non-beneficiaries which your Hawaii State Legislature calls "Hawaiians" (no minimal blood quantum) if they wanted a single definition in order to receive benefits targeted and compacted by the U.S. and your State of Hawaii to go soley to the persons identified as qualified beneficiaries under the HHCA of 1920. See Admission Act §5(f) which states in part: "for the betterment of the conditions of native Hawaiians **as defined in the Hawaiian Homes Commission Act of 1920...**".

Perhaps your time at OHA has caused you to acquire these skills at dodging issues and not answering the concerns of the qualified beneficiaries aware of OHA's underhanded attempts to lower the blood quantum, and you believe that you can continue to deceive, manipulate and connive your way through this effort of lowering the blood quantum against our express wishes to do so.

Just to bring you back to reality, Mr. Ching, I believe that I have a duty as an ordinary constituent --- and as a qualified beneficiary --- to **tell** you to resign your position as a Trustee at OHA, due to your underhanded, unlawful (See your article in the March 1989 Ka Wai Ola o Oha at page 21 where you state the referendum was not allowed by Hawai'i state law), and just plain sneaky plan to divest qualified beneficiaries of their unrealized property rights by attempting to lower the blood quantum in that deceptive "Single Definition" referendum manner.

That referendum was fraudulent and you know it, Mr. Ching, and it is insulting for OHA to downplay our concerns and have its trustess write unresponsive letters that do not answer the questions I had addressed to you in your current role as trustee. The referendum was a fraud simply because OHA asked non-beneficiaries, i.e. persons not qualified under the HHCA of 1920, if they wanted a single definition.

One more thing, OHA was created to be a state agency, under the plenary powers of the STATE OF HAWAII. And, just because of few of you possess utterly whimsical notions that a state agency can somehow magically be turned into a nation, does not provide credibility to such a radical idea. In point of fact, to state the **Office of Hawaiian Affairs** is a nation would be like stating the **Bureau of Indian Affairs** is a nation, confusing the trustee-ward relationship that one agency (carrying out the mission of the trustee) has to the community (representing the interests of the ward) --- in our case, the will of the qualified beneficiary community).

Obviously, OHA has failed to distinguish the two concepts, stumbling along at the expense of the qualified beneficiaries still waiting for benefits from the §5(f) trusts. Benefits, I might add, being denied in the form of much needed scholarships. Perhaps these needed scholarships (Kamehameha Schools does not provide sufficient scholarships to qualified beneficiaries) are being sacrificed in order to provide OHA with, among other things, trappings of a worn out and short lived form of "royalty". A "royalty" responsible for the catasrophic demise of the higher blood quantum native Hawaiian community resulting from dispossession of traditional lands under the Mahele of 1848 and the failed Kuleana Land Grant Acts of 1850-54.

In response to your often repeated assertions of OHA being a "conduit for federal revenues", "receptacle for reperations" and other language which shows your bent on cashing in on the unrealized benefits of that class of commoners' heirs whom have an unextinguished property right in the lands encumbered within HHCA and 5(f), you may want to take note that the dispossessed native Hawaiians have a claim that predates the overthrow of 1893 by 45 years, and any claim that higher blood quantum Hawaiians were dispossessed in 1893 would be met by adequate documentation to show otherwise. In short, do not try to mislead the qualified beneficiaries that their source of legal and equitable title to **their** undivided communal lands began in 1893, when there is overwhelming evidence to show we were dispossessed by the Hawaii Monarchy in 1848 and 1850-54, in order to further you plans at the deep pockets of the United States and undivided lands of the qualified beneficiary community encumbered within the HHCA of 1920 and the Admission Act of 1959.

You stated in your March Ka Wai Ola o OHA at pg. 21 that:

> "OHA exercised its sovereignty of self-determination when it carried out is referendum last November (even though Hawai'i state law does not allow it), and OHA' beneficiaries expressed their personal self-detemination by deciding that the Single Definition was what **we** wanted."

It amazed me that you had the gall to further that fraudulent "referendum" by trying to disguise it as an unlawful attempt by the qualified beneficiaries, and those many, many more able "Hawaiians" at self-determination.

If an official of the Bureau of Indian Affairs (whom are trustees too) had said the same thing about the beneficiaries of the BIA wanting a single definition and he said that it was unlawful and that it was a personal expression of self-determination by the BIA, it would introduce major concerns about that trustees ability to make decisions on behalf of its qualified benficiaries under federal black letter law.

Sincerely,

Emmett Lee Loy
P.O. Box 306
Boulder Co 80306

xc: For the Hearing Record of the Congressional Oversight Hearings on the Hawaiian Homes Commission Act of 1920 and the Implementation of the Findings of the 1983 Federal-State Task Force, being held by the United States **Senate Select Committee on Indian Affairs** and the **House Committee on Interior and Insular Affairs**, 101st Congress, First Session, being held in the Hawaiian Islands between August 7 thru August 11, 1989.

George H. Robertson
P. O. Box 44490
Kawaihae, Hawaii 96743

OVERSIGHT HEARINGS ON THE HAWAIIAN HOMES COMMISSION ACT OF 1920 BEFORE THE U.S. SENATE SELECT COMMITTEE ON INDIAN AFFAIRS AND THE U.S. HOUSE COMMITTEE ON INTERIOR AND INSULAR AFFAIRS

TESTIMONY OF GEORGE H. ROBERTSON
MEMBER
HAWAIIAN HOMES COMMISSION

Mr. Chairman and Members of the Committees:

For the past year, I have had the privilege of serving as a Hawaiian Homes Commissioner from the island of Hawaii. Over one-half of the more than 200,000 acres of Hawaiian home lands are on this island. We have made some progress here and I am happy to report that the commission has this month awarded lands to those beneficiaries who have been on the pastoral waiting list for over thirty-five years.

This commission is committed to action. We are committed to progress. We are committed to proper planning, and we are thankful and appreciative of the leadership and planning skills of the commission chairperson and Hawaiian Homes director, Ilima Piianaia.

We are deeply thankful for the support of our state legislature this past session. More dollars for our programs have been made available by this legislature than in all the previous years combined. We are grateful for the support of Governor Waihee, whose commitment to the betterment of conditions of Hawaiian people has been expressed throughout his public life.

You have heard over this past week many of the problems and shortcomings of the Hawaiian Homes program. You have heard the requests of the beneficiaries of the Hawaiian Homes Commission and you have listened to the mana'o of many knowledgeable people who care about these issues. We, too, have been listening. We, the Hawaiian Homes Commission, stand ready to work with you to deliver the promise of the Hawaiian Homes Commission Act.

We thank you for the funding and programs you have provided in past years. But we need more. All of our people on all of the waiting lists could be provided with the infrastructure required to build homes for the cost of one stealth bomber.

Let us together provide something visible, something useful, something humane, to our people. Let us build monuments to ourselves here in Hawaii in the form of homes for our people. Let us build comfortable neighborhoods where our people can live and prosper and raise their children with a sense of security for their future.

There is now much to be done. The time has come for native Hawaiians to share in the wealth of these islands. It is our pledge as commissioners to do our share of the work to make better the lives of native Hawaiians.

HUI MAKA KILO, INC.
JOHN IOANE SIMEONA, SR.
41-305 KAWAHINE PLACE
WAIMANALO, HI 96795
MONDAY, AUGUST 7, 1989

THE UNITED STATES SENATE SELECT COMMITTEE ON INDIAN AFFAIRS AND THE UNITED STATES HOUSE OF REPRESENTATIVES COMMITTEE ON INTERIOR AND INSULAR AFFAIRS.

HONORABLE SENATOR DANIEL INOUYE AND LADIES AND GENTLEMEN OF THIS MOST IMPORTANT AND PRESTIGIOUS COMMITTEE.

IT IS A DISTINCT HONOR AND A GREAT PRIVILEGE INDEED THAT I HAVE TO APPEAR BEFORE YOU AND TO BEAR TESTIMONY ON THE VISION WE VISUALIZE UPON THE OPPORTUNITIES YOU HAVE EXTENDED TO US.

GRATEFULLY, WE ACCEPT THEM AND GLADLY LIST THOSE NEEDS AND CONCERNS THAT ARE OURS AND PUT THEM FORTH TO THIS HONORABLE COMMITTEE FOR YOUR DEEP CONSIDERATION AND SUPPORT.

As President of Hui Maka Kilo, Inc. (which means Watchful Eyes), on behalf of our members we would like to say Mahalo Nui Loa for this special and important privilege of writing this testimony for the Hawaiian Homestead Lands Affairs. We of Hui Maka Kilo, Inc., would like to, at this time, lend our support to all Hawaiian Homestead lessees present and future, and would like to address some of their concerns and possibly help to speed up a mutual agreement between all Native Hawaiians and our Government.

My name is John I. Simeona Sr., a Native Hawaiian born in Keaukaha on Homestead land in Hilo and am currently living on Homestead land in Waimanalo on the island of Oahu for the past seventeen years.

I am the father to seven boys and seven girls who are also proud to be Native Hawaiians. They have all graduated from school and have left home to seek their own livelihood and to start their own families. I am proud to be their father and to have helped them gain their knowledge so that they can help others. They have great love for their father and mother as well as for the rest of their sisters and brothers. I also speak fluent Hawaiian and some of my children are taking and interest in their native language and are trying to learn as much as they can from me. My children have indeed followed in their father's footsteps.

In Waimanalo Homestead, we all have lots of concerns which should be addressed to our Government. These concerns seem to be never ending to us but we feel that they can be eliminated. As I continue by testimony I will elaborate on these concerns which the Homestead Lands Directors and Staff have never approached and corrected. We as Hawaiians find it very difficult not to be able to call any part of the State of Hawaii, our own. Even our Homestead lands are subject to the approval of the State and Federal Government. Our children are now being told that they will probably never see their own little piece of land that would have been entirely theirs and the future is not clear. Something must be done!

For this purpose, I present some of our concerns:

1. We support the concensus of the State Council of Hawaiian Home Lands Associations, which was voted upon at its Second Annual Conference, held here in Hilo, Hawaii, July 21, 22, and 23, 1989, and presented to this body on the first day of Hearings in Honolulu, Hawaii.

2. 99-Year Leases. We are deeply concerned over the 99-Year lease situation. Realizing the length of time it takes to turn the wheels of legislation, this is a very pressing concern. The successors to those leases are children and grandchildren of the original lessee, with families who need assurance that there will indeed be the mechanism to allow the continuation of those families to reside on those Hawaiian Home Lands. Many young families, who are the successors are very concerned for they have young families, children still in Elementary School and just graduating from High School.

   Senator, and Committee Members, I look at this issue as being of the first priority, for there is no language in the Hawaiian Homes Act of 1920 as amended that addresses this issue. What happens after the original 99-Year expires?

3. We need funding to help build homes for those who have been awarded lands, but are not financially able to build their homes. In Waimanalo, all the infrastructures have been in place for ten years and no one lives on this precious land. We want all the land below the mountainridge filled with homes for the many people waiting for homes all these many years.

4. We also need a Medical Clinic and/or Health Clinic located in each area for the use of all Hawaiians

that have health problems. Statistics state that the Hawaiian People have the most health problems in the State, most notably diabetes, hypertension, heart problems and cancer. Building a Health Center would help the people of the community.

5. Low income housing needs to be built on some homestead lands. We have too many people who are sleeping in cars, pitched tents, in the woods, on the beaches, or in the backyards of their family. They are being deprived of a good environment.

6. Education has always been a major factor for the Hawaiian people. We must insure that our children are able to take better care of themselves and their families. Special programs could be set up to teach the people how to insure their livelihoods. There are too many of our children leaving the State to, not only further their education, seek their future. We also have far too many of our children incarcerated in our county jails and prison. We must find ways to prevent these things from happening.

7. We need to pool together the professional people who would most be able to help the Hawaiian people to prepare themselves to seek an occupation and/or career within the outside world.

8. The Lime Quarry should be reduced in height so that more lands could be made available to the people still on the waiting list. It has been said that their is no ideal time for the quarry to come to a stop to finish the regulated height. This is a big concern because it would put more people on needed lands.

9. CEDED LANDS. While the boundaries of the ceded lands are not fully available and therefor, the acreage may not all match up, the income due the native Hawaiian from the use of these lands do add up to a pretty tidy sum.

   The percentage due OHA (Office of Hawaiian Affairs) is 20%, which has never been realized. Had it been, perhaps a lot of the trouble of today would not be with us.

Right now, the one Main concern of the Waimanalo Homestead Lessees is to have a Hawaiian Center built so that the people will be able to meet and discuss all the concerns mentioned above. I do believe it is the time to pursue these ideas. We Hawaiians don't have any place to call our own. Our State and Federal Governments have been manipulating the Native

Hawaiians from the days since the end of the Monarchy, when our Queen was overthrown to the present day.

We have other concerns also, like the Koolau Water Rights. Why doesn't the State build a dam below the mountainridge to capture the water that comes down the mountain or cliff site and redirect or "save" this water for agricultural use and to help supplement the resident's water supply.

SEWAGE HOOKUPS: This should be done by the Department of Hawaiian Homes because their are a lot of people with low fixed income who cannot afford to hook up to the main sewage line.

All Agencies handling Hawaiian Affairs are not doing their jobs right. Many agencies state that the Native Hawaiians have the privilege of motivating themselves for this type of help, but the people always run into lots of hassles and red tape before anything is done.

In our Waimanalo Homestead, we the residents have many concerns that need to be addressed and if possible eliminated, thus removing any obstacles concerning the betterment of the lifestyles of all Hawaiians living on Homestead lands and also those waiting to get onto Homestead lands.

We have one Agency that can address all the concerns above but does not have the funds to take the appropriate measures to comply with the Hawaiian Act Law, to help the people. We have lands in Waimanalo Homestead which have water, electricity, sewage and roads accessibility, but as yet has no funds to erect any homes. The Federal Government should step in to accommodate funds for this purpose and these lands should be given to waiting lessees.

Office of the President
The Senate
State of Hawaii
State Capitol
Honolulu, Hawaii

STATEMENT OF

SENATOR RICHARD S.H. WONG
PRESIDENT OF THE SENATE

BEFORE THE

U.S. SENATE SELECT COMMITTEE ON INDIAN AFFAIRS

AND

U.S. HOUSE COMMITTEE ON INTERIOR AND INSULAR AFFAIRS

CONGRESSIONAL OVERSIGHT HEARINGS

REGARDING

THE HAWAIIAN HOMES COMMISSION ACT

ON

MONDAY, AUGUST 7, 1989

The situation of the Hawaiian Homes Commission Act is unique in that the State is actively involved in the administration of a native American act. Traditionally, the relationship of native Americans and the government takes place at the federal level. Given this unusual circumstance it is essential that when Congress takes its steps to assist the native Hawaiians that it not do so unilaterally but incorporate the State government in the decision making process.

Primarily, the Legislature's role is to provide for the necessary infrastructure for physical and social survival on homestead lots. To that extent, the Hawaii State Legislature has been actively involved with the Department of Hawaiian Home Lands by passing legislation to address issues that hinder the department's operation.

In 1988, native Hawaiian individuals and groups were granted the right to sue the State for a breach of trust relating to the Hawaiian Homes Commission Act. The law also requires the governor to present a plan to resolve controversies resulting from the Act to the 1991 State Legislature.

During this year's session, the Legislature:

-- appropriated over $6 million to the Department of Hawaiian Home Lands for its biennial operating budget,

-- increased the number of Hawaiian Homes commission members to enhance its decision making abilities; and

-- repealed the $50,000 ceiling for an authorized loan or loan guarantee by the Department of Hawaiian Home Lands and created a new ceiling that is equal to 50% of the maximum allowed in Hawaii by the U.S. Department of Housing and Urban Development's Federal Housing Administration.

The Hawaii State Legislature looks forward to working with Congress on additional legislation to further address the specific needs of the native Hawaiian people. However, in addition to the need for homestead land, native Hawaiians as a group have fallen far below national averages in health, education and welfare. In many of these subareas, the native Hawaiian people rank among the lowest in the country. It is clear that financial and program support like health care, job training, education assistance and other social services are needed. Providing this support is one way the federal government can further its role in the advancement of this special group of native Americans.

At this point, perhaps what is most needed is more interaction among the groups involved: the native Hawaiians, State and federal government to further advance the purposes the Hawaiian Homes Commission Act.

September 14, 1989

Testimony of Kawaipuna Prejean
Hē Hawai'i Au for inclusion into the Congressional Record regarding The Senate Select Committee on Indian Affairs and the House Committee on The Interior and Insular Affairs Oversight hearings in Hawaii.

Mr. Chairman, committee members, decendants of Hawaiis' first people and fellow human beings. I am Kawaipuna Prejean global citizen, human, civil and indigenous rights advocate and critic of invading governments. I am pleased to testify into the congressional record for posterity sake. So while these proceedings are recorded for history I will not be implicated for not using this opportunity to share my mana'o (thoughts) with this august body.

While I welcome the hearings as a means of venting the anger and frustrations built up over the years in the indigenous population mostly because of the colossal failure of the federal,state and county governments to act fairly and equitably since its inception with this lands first citizens. I perceive the real reason for these hearings is to derail the growing sovereignty movement. To continue to mis-lead the masses by perpetuating the on going pretense that justice with dignity for Hē Hawai'i Makou, Hawaiis' indigenous people is a priority for the U.S. government.

Despite the fact that feeble attempts are made to include Hawaiis' first citizens in some national programs on a hit or miss basis, none of these can make up for the loss of nationhood inflicted on our ancestors and us by the U.S. governments invasion and illegal occupation of our homelands since the overthrow in January of 1893.

Another hinderence to our exercise of self-government is the on going attempts by the late arriving governments to right a historic wrong by words and not deeds. One blatant example is the inter-governmental agency theft of Hawaiian Home Lands which once again meant airports, harbors, military state and county could be built without fear of punishment or penaltyon lands that were set aside for native-Hawaiians.

-continued-

We are really faced with a situation that this lands aboriginal indigenous inhabitants have been and are the victims of larceny, fraud and gross cheat. We have had numerous Treaties, some of which promised perpetual peace and friendship violated by the U.S. Gov't. Yet anytime a indigenous advocate demands justice and fair play for indigenous Hawaii we are denounced as mavericks or trouble makers. All we demand is our inherent right to govern ourselves and our life sources.

Presently the majority of indigenous Hawaii is held economic hostage by the U.S. gov't and its subordinate appendages; i.e. state, county and OHA the Office of Hawaiian Affairs. Any challenge to the legitimacy of the states ownership of land is met with the terror of its goon squads. Makapuu, Makua Beach, Sand Island, Waimanalo Beach park are some of the numerous example of evictions without due process. Where is due process? We have yet to have a fair hearing to redress our historical grivences since 1893.

The limited right to sue bill is another sham to protect the state instead of allowing the indigenous people an opportunity to a fair hearing and just compensation for the misuse of land and people.

A growing number of people distrust the judiciary and find the Justice system tainted. Where do we go for Justice?

Although there are those who laud Chairman Inouye for the 80 million dollars allocated to "Hawaiian" programs over the last ten years, there are others who critize him as the benevolent dictator determine to keep Hawaii as the armpit of America. That the appropriations in the last ten years is what they give Israel approximately for ten days. Most of the funds reaching Hawaii were monopolized by neo-governmental agency and not sovereignty minded people organisations.

Is there a inherent conflict of interest on the part of Chairman Inouyes positions in his Subcommittee Assignments and the indigenous Hawaii receiving just compensation and redress for the U.S. invasion of Hawaii in January of 1893?

-continued-

It is significant to note, that much or the "military" land in Hawaii was expropriated without compensation. Questionable claims of ownership by the military arise with discussion of Lualualei 1,300 acres, Bellowsfield, Makua valley, Kahoolawe Island. No fairmarket rents have been paid by the military for Kawaihae, Pohakuloa, Kahuku training area, Mookapu, Pearl Harbor, Fort Shafter, Schofield, Wheeler, Barking Sands to mention a few places.

There is no such thing as surplus land in our indigenous concepts. Yet the collaboration between the feds and state have resulted in more sacred lands are being lost to foreigners and outside investment.

Others contend we are misled by the educational process. Chairman Inouye knows without dealing fairly across the board like other Native Nation our children are being deprived of a accuratehistory regarding Hawaii and its relationship with the U.S..Other Native Nations have their own federally funded colleges including a indigenous history as a basis for their curriculum. Not here in Hawaii. While theres a IndianHealth Service with all its failings theres no equivalent Hawaiian Health Service.

My point is that its a long way to equal opportunities for Hawaiis' indigenous people. I would hope that further alienation of Hawaiis' land is halted until a just resolution is reached in our land,sea and water claim. That we stop being harrassed at the national parks and made to pay to visit our sacred sites and churches. Stop the flooding our country with uncontrolled immigration. Pay the back rent so we can fund a peoples movement. Honor the Treaties and our Sovereignty.

Enclosed herewith are documents to be included in my testimony. Internationl Indigenous Peoples' Conference 8/8/89 in Sapporo, Hokkaido, Japan. If not already included, Please submit the two newsletters of the Pro-Hawaiian Sovereignty Working Group Ka Mana O Ka Aina on The Hawaiian Homes issue and the issue on Sovereignty.

With every good wish for a positive result in these deliberations I remain, sincerely, Kawaipuna Prejean. Mahalo Nui.

International Indigenous
Peoples' Conference
(Sapporo, Hokkaido, Japan, August 7-10, 1989)

RESOLUTION

Condemning the overthrow of the Hawaiian Government
By the United States on January 17, 1893

Whereas, Hawaii existed as a sovereign nation with it's own laws and form of government designed for the needs and well being of her people; and

Whereas, since time immemorial the indigenous Hawaiians lived and enjoyed life in the society left to them by their ancestors with all the support and blessings of life in their lands, ocean and all the resources around them; and

Whereas, as a nation Hawaii had diplomatic relationships with many countries around the world and did in fact have binding treaties with many nations; and

Whereas, on January 17, 1893 United States Marines with the encouragement of rabid annexationist American businessmen some being missionary descendants illegally and unlawfully invaded and overthrew the Hawaiian Government : and

Whereas , as a result of the United States overthrow of the lawful Hawaiian government,Hawaiians were displaced and were and are being unlawfully assimilated into a foreign society not of their own ancestory nor choosing.

Now, therefore, be it resolved by the International Indigenous Peoples'

Conference convening in Sapporo, Hokkaido , Japan--land of the Ainu-Moshiri that :

We condemn the United States for its illegal overthrow of the Hawaiian Government and question the legitimacy of the Unted States sovereignty in Hawaii.

We demand the United States compensate the indigenous Hawaiians and their descendants for the ninety-six years of illegal occupation and plunder of the Hawaiian territories.

Be it further resolved ; that a certified copy of this resolution be sent to the following persons and organizations:

1. United Nations Committee of Human Rights
2. United Nations Working Group on Indigenous Peoples/Populations
3. United States Senate Select Committee on Indian Affairs

Introduced by :
Kawaipuna Prejean
Steerimg Committee Chairman
International Indigenous
Peoples' Conference
89/8/8
Sapporo, Hokkaido, Japan

Unanimously Adopted by the Conference

KA MANA O KA 'ĀINA

May/June 1989 • Bulletin of the Pro-Hawaiian Sovereignty Working Group

• THE HAWAIIAN HOMES PROGRAM •

WHAT'S WRONG WITH IT?

THE HISTORY of the Hawaiian Homes program provides clear evidence that it was not originally intended to serve the interests of Hawaiians.

It was intended instead to protect some 26,000 acres of sugar land from being homesteaded by Hawaiians and others.*

As a result of this history, restrictions were placed upon the program which prevented it from benefiting the great majority of Hawaiians.

We believe that the only remedy for this state of affairs is to place the program in the future under the direction of a sovereign Hawaiian nation.

The purpose of this issue of Ka Mana o ka 'Āina is not to rehash all-too-familiar complaints and accusations. The late Georgianna Padeken, after retiring as chairperson of the Hawaiian Homes Commission, insisted that Hawaiians should not continue complaining about the past, but had to learn how to make the future work for them. All can agree with that. But the first necessary step is to understand what went wrong and why. *That* is the purpose of this issue.

The intent of the Hawaiian Homes Commission Act, (HHCA)

Although Congress said that the purpose of the HHCA program was to "rehabilitate" the Hawaiians, the actual motive of those who pushed the Act through was to prevent some 26,000 acres of prime public land, then being leased by the Territory for sugar production, from being homesteaded by Hawaiians and the general public. This motivation was revealed in the fact that those lands, plus all other agricultural lands, were excluded from homesteading by the Act itself; and only unused, dry lands were made available to the Hawaiian beneficiaries.

The sugar planters had tried to prevent homesteading on their leased land for years, but Congress had refused to change the homestead law. The planters only succeeded by linking changes in the law onto "rehabilitation" for Hawaiians, which Congress favored.

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What's Wrong with It?

(Continued from page 1)

From the very beginning, therefore, Native Hawaiian interests were not primary.

Apparently Congress also did not expect the program to be permanent. As originally drafted, the HHCA did not require any blood quantum. The 50 percent quantum requirement was added with the expectation that those with 50 per cent would disappear in a short time (Louis Agard), 3/12/89).

Carrying out the purpose of the Act.

Because of this history, the interests of non-beneficiaries have also often been served first in the administration of the Hawaiian Homes program.

For instance, although the Act stated that the Governor could not transfer Hawaiian Home lands by executive order, or proclamation, the Governor's office, mostly during Territorial rule, illegally transferred Hawaiian Home lands for use by other agencies and departments under executive orders and proclamations, without compensation to the DHHL (Native Hawaiian Rights Handbook to be published by Native Hawaiian Legal Corporation in June 1989). These lands include Waimanalo Beach Park and 2,000 acres at Lualualei.

Prince Johah Kūhi'ō Kalaniana'ole

Failure to correct illegal transfers.

Although large amounts of land have been transfered illegally over many years, the response of every level of government has been "so what?" It took a suit by the Hou Hawaiians and 15 other organizations and the judgement of federal Judge Gesell to bring about some official action. Even then, after the highly critical report of the Federal-State Task Force on Hawaiian Homes in 1983, *it was not until 1986 that the lands were returned to the program*–*on paper.* In most cases, such as Lualualei, Waimanalo and Makapu'u beaches, these lands ended up in the same hands, and the HHC got little or nothing in exchange.

Inadequate funding.

In addition to these illegal transfers, funds were not provided to run the program, forcing it throughout its history to lease out large amounts of land. According to Susumu Ono, director of DLNR in 1980, as much as 70,500 acres of homelands were leased at one time. The income from these leases, along with 30 per cent of revenues from sugar cultivation and water licenses, provided the HHC only about $250,000 per year (Breach of Trust? 1980, p. 10). Today it is estimated that it would take half a billion dollars to place existing applicants on the land (Native Hawaiian Rights Handbook).

Conclusions.

The only way to make good the promise to rehabilitate Native Hawaiians is to place the program under the direction of a sovereign Hawaiian nation. Hawaiians should not be content with the present procedure in which the governor and state agencies, the very ones who have committed the injustices in the first place, decide how much is to be paid in reparations. Reparations for illegal uses of Hawaiian Home lands, and other injuries to the Hawaiian people,

(Continued on page 3, column 1)

The Passage of the Hawaiian Homes Act

A STUDY of the Hawaiian Homes Act of 1920-21, was done by scholar Marylyn Vause. She concluded that "moral considerations" (concern for Hawaiian people) were not the main purpose of the legislation. What it did was to assure firm control by the Big Five landowners, through government agencies, of public lands for at least 15 more years.

Vause described the supposed "rehabilitation program" as "a political accident which enabled these laws to be amended" (1962:iii)."

A typical sugar plantation train and crew, hauling cane from the fields to the mill.

The Circumstances.

Between 1917 and 1921, leases were due to expire on about 26,000 acres of "the best lands which the Territory owned." These were Crown lands, part of about 85,000 acres of land in sugar cane. These Crown lands "had been protected by a law of 1865, which had prohibited the selling, but not the leasing, of these lands. During the reign of Kalakaua, many long-term leases had been negotiated for these undeveloped lands," which were then put under intensive cultivation of sugar cane (1962:115).

Since 1910, the law had allowed homesteading on public land. So, when the leases were due to expire on these choice lands, homesteaders and speculators sought to obtain them, while the planters schemed to extend their leases (115). Under these circumstances those pushing for a plan to rehabilitate Hawaiians, and the planters seeking to reform the homesteading law, joined the issues of homesteading and land reform (97-98), and took the matter to Congress. There, under the urging of Congress, a deal was made.

What's Wrong with It?

(Continued from page 2)

must be negotiated on a government-to-government basis by an independent, sovereign Hawaiian nation which is separate from the state and U.S. governments.

*Note: See Marylyn M. Vause. *The Hawaiian Homes Commission Act: history and analysis.* M.A. Thesis, UH Manoa, 1962, p. iii.

The Deal.

A compromise was dictated to Kuhi'o by the "Congressional committee, federal officials, and attorney general of the "territory." It directly linked continuation of the sugar leases to the rehabilitation plan (56). Section 5 of the bill stated:

> ***'That for the purpose of raising the necessary revenues for the accomplishment of the purpose of this section [rehabilitation] the land commissioner...is hereby authorized and empowered to lease by sale at public auction the highly cultivated public lands of the Territory of Hawaii for a term not to exceed fifteen years, and any such lease sold under the***

(Continued on page 4, column 1)

The Passage of the Hawaiian Homes Act

(Continued from page 3, column 2)

provisions of this section shall not contain the withdrawal clause [allowing homesteading] provided for by law" (Vause 1962:55).

Hawaiians and supporters of homesteading were furious when news of the compromise reached Honolulu: 1,000 people attended a meeting to protest the Kūhiʻō amendment. The speakers "railed against the various attempts of the sugar planters to prevent homesteading in the Islands and pointed to this as an example of planter conspiracy" (Vause 1962:57).

Finally, in 1921, not content with preserving their privileged leases, the planters added another major amendment: "the repeal of the section prohibiting the holding and acquiring of real estate in excess of 1,000 acres" (Vause 1962: 91).

This made their huge holdings legal for the first time since annexation.

Rehabilitation--a false promise.

"Rehabilitation" was the promise held out to *ka poʻe Hawaiʻi* as their side of the deal. It was a promise which those who passed the Kūhiʻō bill gave little thought to carrying out. Rehabilitation was supposed to be accomplished by returning the people to the land. But no one had any answer to the question as to how 20,000 pure-blooded Hawaiians, much less thousands more part-Hawaiians, could be returned productively to 200,000 acres of the least valuable lands of the Territory (Vause 1962: 128).

Before the Act was passed there was also disagreement as to who--and therefore how many--Hawaiians were to be included. John Wise wanted all those with 1/32 or more Hawaiian blood to be included. The two Honolulu newspapers called this "an absurdity.." The U. S. Senate was opposed also. Congress likened the Hawaiians to the Indians, who were "dying out," and based the rehabilitation program on the same policies. Therefore, some thought that only the pure Hawaiian should be benefitted, since they were the ones dying out. The 50 percent blood quantum was a compromise (Vause 1962:114, 132).

The choice of lands was determined by the deal described above. Wise would have included the valuable lands in the Homestead program, if it had been politically possible (Vause 1962:115-116); but, as he told the House committee, "I was told a long time ago that one of your proverbs was never to look a gift horse in the mouth, so we took what we could get." According to Vause, "the success of the rehabilitation bill went far beyond his wildest dreams" (1962:132).

He should have looked in the horse's mouth, for according to John Wilson, an engineer familiar with the lands: "The possibility of putting necessary water on many of these acres is dim and unattainable...until a vast reclamation project is conducted by the federal government..." Only about 10 percent could be classed as first class pastoral land (118). The rest was pastoral land requiring irrigation, or wasteland.

"We don't want to make the Hawaiians rich, we want to make them work."

This did not bother Gov. McCarthy, because as he said, "It was not the wish. . .to give the Hawaiians the highly developed lands for if this was done the main object of the measure would be defeated as the Hawaiians would not work the lands themselves but would have the work done by Japanese." (103-4). Again, he said: "We don't want to make the Hawaiians rich, we want to make them work" (72).

(Continued on page 5)

Passage of the Hawaiian Homes Act • Continued from page 4

There was also no agreement as to what kind of farming Hawaiians were supposed to take up — growing their own food or crops for market. The lands given them made any kind of farming next to impossible (125).

The HHCA called for a fund to help finance the homesteader, "but the amount needed for major and individual development projects was never seriously studied" (134). The loan fund "was to be financed yearly from sugar land rentals and water license fees, as well as from the leasing of Hawaiian Home lands, until one million dollars had been deposited." But there was no way to finance the huge development programs that were necessary to reclaim the Hawaiian Homes lands (125). The only funds available to the individual homesteader was a $3,000 loan from the HHC, which was totally insufficient (126-27).

(Marylyn M. Vause, *The Hawaiian Homes Commission Act, 1920: History and analysis.* MA thesis, UH Manoa, 1962.

THE FIRST HAWAIIAN HOME LANDS COMMISSIONERS: WHO WERE THEY?

Rev. Akaiko Akana, first Hawaiian minister accepted at Kawaiha'o (1918-1933) & strong proponent of "rehabilitation" for Hawaiian people.

Prince Jonah Kūhi'ō Kalaniana'ole, 2nd Territorial Delegate to Congress (1902-1922), & "father" of the HHLA.

Rudolph Meyer Duncan, grandson of Kalama Dorcas Waha and R. W. Meyer of Moloka'i, officer of Honolulu Rapid Transit Co., active in Hawaiian community organizations & Republican party.

George P. Cooke, grandson of Juliette & Amos Starr Cooke (Castle & Cooke), Moloka'i Ranch, & American Sugar Co. (Moloka'i), Ex. Secty.of the Commission.

Wallace R. Farrington, appointed Republican Governor of Territory of Hawai'i (1921-1929), President & Publisher of Honolulu Star-Bulletin, & Chairman of the Commission.

Hawaii's first Hawaiian Homes commissioners. From the left, they were Randolph M. Duncan, the Rev. Akaiko Akana, Prince Jonah Kūhiō Kalaniana'ole, George P. Cooke, executive secretary, and Wallace R. Farrington, chairman.

Tree stumps and heavy brush covered the lots of the first homesteaders on Moloka'i

• "REHABILITATION' •

The 'Ahahui Pu'uhonua O Na Hawai'i ("Hawaiian Protective Association") was formed in 1914 by Prince Kūhi'ō, Rev. Akaiko Akana, Rev. John Wise, Noa Webster Aluli and several hundred Hawaiians in order to "uplift" *ka po'e Hawai'i*.

This was the organization which promoted the plan that led to the HHCA. In 1917, the 'Ahahui sent out an appeal for funds to the haole elite, which said in part:

"That the Hawaiian must wake up and must fully realize that he is 'nobody' and that he has 'nothing;' that he must start a new life, by going back to the soil and by fishing, as his ancestors did.

"That he must work and work hard every day, or else he will be a thief, stealing to keep his lazy body alive;...

"That it is a thousand times better for him to be a laborer on the plantation... than to be a street-walker, looking for jobs, dying in a filthy tenement room.

"That his best friends are the Athertons, Baldwins, Castles, Cookes, Dillinghams, Joneses, and Rices; that said 'old families' and their children will always help him when he proves himself deserving, and that it is to his advantage to 'look up' to them, for they will always have kindly feelings for him.

"That it is only by bettering his condition, pulling himself up to the standard of the other more enlightened and earlier civilized races that he can ever expect to be their equal, and

"That in Christian living and in Christian honesty, is his hope...."

(The Pacific Commercial Advertiser, Feb. 13, 1918, quoted in Davianna McGregor, *Persistence of Hawaiians on the Land*, draft of doctoral dissertation, chapt. 5).

HHL GOT WHAT PLANTATIONS DIDN'T WANT

In 1897, American Sugar Co. (Moloka'i Ranch hui) planted sugar cane on Moloka'i. It grew well until brackish irrigation water killed the crop. By 1900 the company failed; heavily salted land was useless. In 1920, HHC was given land on Moloka'i in the same general area; homesteader's crops failed for the same reason--salted land. (De Loach, L. "Molokai, an Historical Overview" pp.123-150. IN Lewis, H.T., *Molokai Studies: Preliminary Research in Human Ecology.* U.H. 1970).

Editorial

• THE HHCA AND THE U. S. EMPIRE •

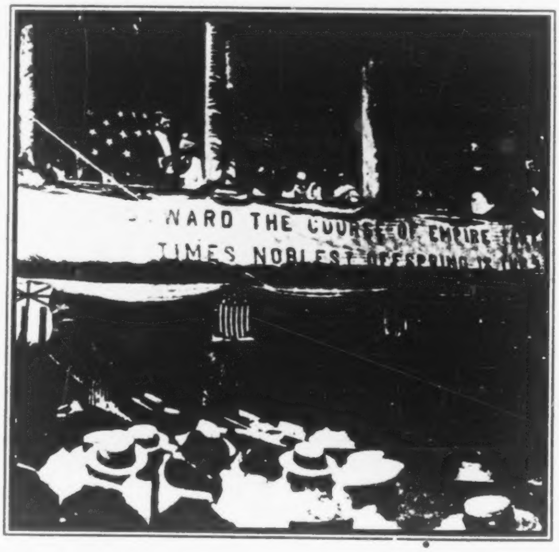
THE HAWAIIAN HOMES COMMISSION ACT (HHCA) was part of the expansion of the U. S. empire in the Pacific and the Caribbean. Under the name of *"Manifest Destiny"* the thrust included racist suppression of American Indians, the takeover of Pearl Harbor as a military outpost and annexation of the Hawaiian Islands. In the same period, the U.S. took over the Philippine Islands, Cuba and Puerto Rico.

It was Congress that conceived the HHCA. Indeed, there would have been no HHCA if the Territorial Commission sent to Washington had its way. Congress, however, saw the need to force Native Hawaiians into the same mold it had cast for Native Amerians and others. Natives peoples were to lose their collective rights to ancestral lands by being placed on individual allotments, a step along the road to assimilation.

After swallowing up Hawai'i, Congress took about twenty years to focus on Native Hawaiians. When it finally did so, it decided to treat them in all essentials as they treated Native American Indians. The HHCA was the result.

U.S. Indian policy continued to affect Hawaiians after the HHCA was formed. From 1945 until 1961, U.S. policy was to "terminate" Indian tribes by placing them under state jurisdiction and control. When the statehood act was drawn up, responsibility for Native Hawaiians was transferred to the state under the Admissions Act.

Today we need to know this history when we are told that, *"Yes, we too can be 'dependent nations' like the American Indians."* To follow that road is to repeat the history of the HHCA. ☐



"WESTWARD THE COURSE OF EMPIRE"

"A momentous turn of the century in Hawaii brought flag ceremonies at the Executive Building [Iolani Palace] when Sanford Ballard Dole was inaugurated Territorial governor. W. L. Eaton read the proclamation speech in front of a gigantic American flag, while to his left, past the palm and lei-draped pillar, sit Dole, his wife Anna and a young nephew. On their left are the Mott-Smiths, Damons and Youngs."
(From E. B. Scott, "The Saga of the Sandwich Islands" *1968, p. 345)*

REPORT OF THE FEDERAL-STATE TASK FORCE ON THE HAWAIIAN HOMES COMMISSION ACT

THE TASK FORCE was created in 1982 as the result of a civil suit brought by the Hou Hawaiians and 15 other organizations. It issued a report containing 134 recommendations. Hawaiian members were Ann K. Nathaniel, Chair; Mililani Trask, Secretary-Treasurer; Kenneth F. Brown; Rodney K. Burgess, III; Georgiana K. Padeken; Kamuela Price; and Abbie Napeahi, ex-officio. Tiima A. Pi'ianai'a was administrator and staff. The following are exerpts from the report:

U. S. Breaches of Trust Responsibilities

"The Supreme Court of Hawai'i has said that in the years preceding the admission of Hawai'i into the Union, the government of the United States served as trustee with respect to Hawaiian Home lands and the Native Hawaiian beneficiaries of those lands. During those years, Hawaiian Home lands were made available for public use by Federal and Territorial agencies through executive actions that were not authorized by the law. No compnsation was provided to the trust for the use of these lands." (p. 19).

Breaches of Trust by the State

"Section 5(f) of the Hawai'i Admission Act creates a public trust of certain lands, including lands set aside under the HHCA, with the State serving as a trustee. If the trust is breached by the State, the United States may bring suit." (p. 19).

"In the light of the responsibilities lodged with the United States under the HHC and the Hawai'i Admission Act, the United States should undertake to...satisfy itself that the State is not abusing its responsibilities as trustee; and...if the State is failing to discharge properly its responsibility under Section 5(f), then to institute proceedings against it for breach of trust." (Recommendations 3) (p. 20).

"...the State has not identified with precision the Hawaiian Home lands that constitute the assets of the trust; it has not at all times accounted accurately for revenues associated with trust lands; it has not maintained auditable financial records and statements; and it has entered into conveyances and encumbrances of Hawaiian Home lands that have not been authorized by law." (p. 22).

Land Exchanges

"The DHHL should actively pursue land exchanges or acquisitions with government or private interests to acquire lands in areas...where a significant number of beneficiaries desire homestead lots." (Recommendations 22) (p. 29).

[As of August 1983], "...no land exchange has been completed for Hawaiian Home lands since 1967." (p. 49).

"A lawsuit involving 91.6 acres of Hawaiian Home lands withdrawn through a Governor's Executive Order for General Lyman Airfield in Hilo has greatly increased the revenue produced from Hawaiian Home lands...." (p. 50).

Withdrawals of Land from Hawaiian Home Use and Control

"Twenty-nine executive-order withdrawals, covering 13,578 acres of land, were issued by Territorial governors. ...One of these orders withdrew 11,124 acres for use as a game reserve. Two executive orders withdrew 1,356 acres at Lualualei, O'ahu, for military use...Of the...withdrawals, only ... 892 acres are now (Aug. 1983) controlled by the DHHL." (p. 40).

(Continued on page 9, column 1)

Some 1,356 acres of Hawaiian Homes land in Lualualei, O'ahu, were withdrawn by two executive orders issued by the Territorial Governor. The orders turned the land over to the U. S. Navy.

(Continued from page 8, column 2)

"Since enactment of the HHCA, there have been nine governor's proclamations withdrawing 16,586 acres of Hawaiian Home lands for forest reserves. All...were acts of Territorial governors." (p. 42). "...these appear to be unauthorized and unlawful." (p. 41).

"Currently the Deparment of Land and Natural Resources [DLNR[manages only 20 leases, covering 16,406 acres of Hawaiian Home lands. These leases generate $80,691 per year in rental payments."

Compensation for Past Uses

"The DHHL should seek possession or compensation, in money, land, services, treasury credits or other appropriate methods, as soon as possible for all lands which it claims are unlawfully used by other agencies or individuals." (Recommendation 88) (p. 52)

Lands Presently Unproductive

It is estimated that 66% of the land inventory of the DHHL, or approximately 123,000 acres...are not currently used for homesteading purposes or do not generate significant revenues." (p. 53).

Requirement for Improvement

"The Hawaiian Homes Commission has passed a rule which requires building structures or improvements constructed by beneficiaries to comply with all building and zoning codes and other ordinances and regulations of the counties. [These] are not required by law. (p.53).

Native Rights and Cultural Practices

"There is no reference to Native rights or cultural practices in the HHCA as amended or the rules and regulations of the Hawaiian Homes Commission." (55).

Recommended Follow-up

"The Task Force...recommends that the Secretary of the Interior and the Governor convene a Federal-State Task Force to meet approximately one year from the date of submission of this report in order to assess and to report back to them upon progress in the implementation of these recommendations (p. 68).

CARRYING OUT RECOMMENDATIONS OF THE FEDERAL-STATE TASK FORCE REPORT

THERE HAS BEEN virtually *no* implementation of the recommendations... Only a handful of the 134 recommendations have been followed.The waiting list has since doubled.

"The Governor's office, OHA, DHHL and the legislature have failed to implement any comprehensive plan to provide affordable housing to Native Hawaiian Homesteaders on waiting lists.... [18,500 families await settlement--approximately 450 with lots and roads, approximately 2,100 with raw land, approximately 15,850 on waiting lists].

There is no avenue for legal redress either in the State or Federal Court for judicial review. Subsequent to the publication of the Task Force Report, DHHL proceeded to exchange lands with the State for a net loss of trust revenues exceeding $50,000. annually. Despite a clear directive in the Task Force to proceed with negotiations on Lualualei lands, DHHL delayed taking legal action. When the matter was finally raised, the Court ruled that the Statute of Limitation had expired. *No legal* action has been instituted by the Department of Justice or the State to remedy existing breach of trust problems. DHHL has failed to initiate any legal or legislative action to collect back rentals for past illegal uses of Hawaiian Home Lands."

(Mililani B. Trask, Kia'aina, Ka Lahui Hawai'i, letter to Western Regional Office, U.S. Commission on Civil Rights, August 1988.)

• HISTORY OF THE WAIMEA HAWAIIAN HOME LANDS •

"PRIOR TO 1952, Native Hawaiian residents of Waimea, Hawai'i, had been pressing the Department of Hawaiian Home Lands to award leases under the program for ranches, farms and residences."

In 1952 " HHC withdrew approximately 19,000 acres for awards, including 3,894 acres for an 'irrigated pasture,' which was set aside to determine 'whether the rainfall in the vicinity can support individual small ranches.'....

"After the HHC exercised this right to withdraw the Pu'ukapu lands for beneficiary awards, the lands could no longer be leased to anyone other than Native Hawaiian beneficiaries. However, the HHC immediately granted Parker Ranch the right to use the 3,894 acre community pasture for the same lease rental as the ranch had previously paid the Territory....

"As a compromise settlement for the illegal use of these lands, Parker Ranch agreed to pay $118,550 for pasture fees. However, due to the Attorney General Edward Sylva's opinion, the money had to be deposited with the general fund of the Territory, rather than with the HHC....

In 1982, the HHC recalled the irrigated pasture and a parcel of 2,376 acres from Parker Ranch,totalling 4,400 acres and subdivided the area into 21 homestead pastoral lots. The subdivided lots were then reawarded to Parker Ranch on a revocable permit. At this writing (Sept. 1988), Parker Ranch is still occupying the 'irrigated pasture' and has continued to do so for 36 years."

This is only one of a number of cases documented by Sonny Kaniho in his testimony on behalf of Aged Hawaiians before the U.S. Commission on Civil Rights Hawaii Advisory Committee, Sept. 6, 1988.

35 persons on the waiting list for Waimea Home Lands, including the father of Gov. Waihe'e, have died while waiting. Sonny went onto the lands in 1987, was arrested, tried, and sentenced to 35 days in jail when he would not accept probation or other punishment (Hon. Adv. July 23, 1988, p. A3).

• CANCELLATION OF EXECUTIVE ORDERS •

Joseph D. Gebhart brought suit on behalf of the Federal-State Task Force to force returns of illegally transferred Hawaiian Home lands. As a result, "in December 1985, former Governor Ariyoshi cancelled 16 executive orders and 8 proclamations.... This action resulted in the return of some 27,835 acres of trust land to the program. ... However, in most cases, these lands ended up exactly in the [illegible] of those who once controlled them illegally. For example, the HHC continued the arrangement which allowed the City and County of Honolulu to operate city parks at Waimanalo and Makapu'u Beaches as nominal compensation.

...the DHHL has not attempted to cancel the 65-year leases to: 1)the U.S.Army for 295 acres at Pōhakuloa...and 2) the U.S.Navy for 25 acres in Kekaha.... Both leases generate only $1 for the 65 years. Furthermore, DHHL has not implemented the recommendations to seek compensation for these improper uses (p.52) [or] land exchanges....(p.54).

(Testimony of Alan T. Murakami, Litigation Director for the Native Hawaiian Legal Corporation, before the U.S. Commission on Civil Rights Hawaii Advisory Committee, Sept. 6, 1988.)

Editorial

HAWAIIAN HOME LANDS AND CEDED LANDS

The Hawaiian Home Lands are Ceded lands. The so-called "Public Lands" which were "given" to the Hawaiian people in the Hawaiian Homes Commission Act (HHCA) were formerly Crown and Government lands, which were "ceded" to the U.S. at the time of Annexation, after having been stolen by the Republic of Hawai'i. They belonged by right to *ka po'e Hawai'i* to begin with.

As described above in this issue, the lands which the sugar planters and the Governor at the time, Charles McCarthy, wanted to protect from homesteading were the best of the Crown lands. These lands had been leased by Kalākaua under terms which assured the sugar companies of the right to use these lands cheaply and without interruption.

The leases were threatened by a requirement of the Organic Act, as amended in 1910, which allowed any group of 25 citizens to obtain a tract for homesteading on cultivated lands belonging to the Territory when the sugar leases were up. The Governor, who started out in favor of homesteading, came to oppose it because of the drastic loss of revenues which would result from loss of the lease rentals. The solution which resulted was to prevent homesteading, supposedly so that income from lease rents could be used to rehabilitate the Hawaiians.

But only 30 per cent of the lease rents went to the Hawaiians. By this deal, the sugar planters got continued use of Hawaiian lands at cheap lease rents. The Territorial government retained the 70 per cent of its income that came from this source. The Native Hawaiians were prevented from having access to any of the most productive of the Crown lands which were rightfully theirs.

Under the old homesteading law they could have had access to these lands if the HHCA had not been passed!

The HHCA went even farther. It prohibited the HHLC from getting any lands then cultivated in sugar.

(Cont. on p.12)

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I would like to support Hawaiian sovereignty by making a contribution:

Enclosed is my check in the amount of: $5 ___$10 ___$25___ Other____________

I would like to help produce the Bulletin. Please contact me at ____________

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- -

HAWAIIAN HOME LANDS AND CEDED LANDS

(Continued from page 11)

Instead, as is well-known, the Hawaiians were given tracts of formerly Crown and Government lands that no one previously had wanted.

This, then, was the great "gift" represented by the HHCA.

One lesson should be drawn from this history: *beware of Congressional legislation that pretends to restore something to the Hawaiian people.*

In the case of the HHCA, Hawaiians were given only a portion of what was rightfully theirs in the first place, and that was always the worst portion.

There is also a real danger that settlements which are supposedly made in order to return lands to Hawaiians will be used as a screen for preserving the access of non-Hawaiians to the continued use of those lands. That happened in the HHCA, and it continues to happen in the leasing of Hawaiian Home Lands down to the present time. That is why the Pro-Hawaiian Sovereignty Working Group is so opposed to a reparations settlement until full sovereignty is achieved.

In order to understand in full the betrayal represented by the history of the HHCA, one needs to understand the whole history of the so-called "ceded" lands. It is for this reason that the next issue of Ka Mana O Ka 'Āina is to be devoted to the subject of "ceded" lands.

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KA MANA O KA 'ĀINA

THE POWER OF THE LAND

July/August • Bulletin of the Pro-Hawaiian Sovereignty Working Group

• *OUR STOLEN "CEDED" LANDS* •

FOR THE FIRST TIME IN 69 YEARS, congressional hearings will be held in Hawai'i on the Hawaiian Homestead Act and other serious issues affecting Native Hawaiians and lands.

They include:

- *Terminating or extending 99-year homestead leases;*
- *Changing blood quantum eligibility requirements;*
- *Diluting self-determination with government controls or strengthening it with true sovereignty for Native Hawaiians.*

The hearings will be chaired by Sen. Inouye who heads the senate committee on Indian affairs.

Hearings will be August 7 thru 11. See schedule on page 3.

From Washington, Inouye has scheduled the *first six hours* on O'ahu for local policitians to talk about *their* views of Native Hawaiian problems!

He has refused to place sovereignty on the agenda. He has made testifying difficult and expensive by splitting up political and cultural issues and assigning them to different islands.

This issue of *Ka Mana o ka 'Āina* reviews the background of theft and abuse of Hawaiian lands and people and their inherent right of self determination under their own sovereign nation.

Read on. . .

FACT FINDERS

Hawaiian land and sovereignty 3

Eight steps to stolen lands 4

Why statehood? 6

OHA's secret "*BLUEPRINT...*" 7

The right to sue 10

Our present situation 12

The 1893 conspirators 13

Readings 15

Washington *waha* 16

COMMENTS ON THE SENATE COMMITTEE HEARINGS

ALL PEOPLE, INCLUDING US NATIVE HAWAIIANS, have the need and right to be heard. But in spite of over a hundred years of our lobbying for justice, fair-play, due process and sovereignty, politicians including Sen. Inouye have again refused to place sovereignty on the agenda.

Instead, Inouye has made testimony difficult and expensive.

Inouye required invitations from Washington for non-homestead Hawaiians to speak on local issues—here in our homeland!

The only way Native Hawaiian groups that are not Homestead Associations can testify on these important issues is to take off from work for the whole week and follow the Washington committee around from Island-to-Island—who pays? Us!

OTHER SNEAKY MOVES YOU SHOULD KNOW ABOUT!

Some homesteaders are being asked to sign testimony prepared by a Washington, D. C. attorney! This testimony says homesteaders want to break the blood quantum, and allow Hawaiians who are less than 50% Hawaiian by blood to qualify for homestead leases.

DHHL cannot even take care of those who already qualify under the 50% rule. On the waiting list now are over18,500 Hawaiians who already qualify for land and homes. Imagine that list swelling to 150,000 or more, if the 50% rule is abandoned? Will this solve the problem of the lack of land and housing for us Hawaiians? If it does not solve the problem, then why push it?

...a secret "blueprint" for Native Hawaiians!

Is this move an attempt on the part of some of the leaders to develop the Homestead Associations as a power bloc that claims to represent all Hawaiians, both homesteaders and non-homesteaders? Is this plan to make the Homestead Associations the "sovereign entity" through which the feds will then funnel all funds for health, education, housing and cultural programs for Native Hawaiians? Is it then to be selected as the "sovereign Nation of Hawai'i," and given the "ceded" lands and the income from those lands? Is this the Inouye-Waihe'e- OHĀ ***"Blueprint for Native Hawaiian Self-Determination and Land Claims"*** shifted from OHĀ over to the Homestead Associations? ☐

ON HAWAIIAN LAND AND SOVEREIGNTY

Here are some significant events and dates relating to Native Hawaiian land and sovereignty

IN OUR OWN TIME...

Our Hawaiian ancestors first arrived in these islands about 2,000 years ago (1,500 years before Columbus "discovered" America!)

Untouched by the outside world, we developed our unique Hawaiian civilization.

For about 65 generations, it flourished on understanding and love of family, land, sea, environment, refined crafts and skills.

Coastal fishing and inland farming communities shared their cultivations in traditional 'ohana (extended family) style. When the population was small in the early period, responsibilities remained within the 'ohana.

During the later period, as the population grew, responsibilities and privileges were adopted by administrative ali'i to manage relations between districts.

AND AFTER HAOLE ARRIVED...

When the haole (foreigner) arrived in 1778, they sought out the ali'i to acquire foods, labor services and later, land. The ali'i were called "kings" and "queens" and urged to adopt haole appearances and methods of governing others. The haole made big efforts to change Hawaiian traditions into haole methods of thought and action.

1826 The first of four formal treaties between our Native Hawaiian Nation and the U.S. declared the peace and friendship between the two nations to be *"perpetual" (endless).*

1845—1855 A land registration program (the *"mahele"*) written by two Christian missionaries, took land from the Native Hawaiian people. It changed their traditional land use rights for all into *private property ownership* for the few. It transformed land into a commodity to be bought and sold on the haole's money market. Here are the results:

984,000 acres to the "king"
1,600,000 acres to 251 "chiefs"
1,495,000 acres to the "government"
28,600 acres to about 8,200 farmers

About *70% of the common people* were left landless!

1867 A "Reciprocity (mutual benefit) Treaty" signed between U.S. and Hawaiian governments allowed sugar and molasses to enter U.S. from Hawai'i without duty taxes. Many, many items were allowed to enter Hawai'i from the U.S. tax-free! Senate ratification in Washington was delayed until 1870 due to opposition from the U. S. sugar industry.

1875 A second reciprocity treaty was negotiated with a clause permitting the U.S. exclusive option to Pearl Harbor for military use. U.S. didn't act on the option.

1887 The third reciprocity treaty confirmed a 7-year lease of Pearl Harbor to U.S. The lease expired in 1894 *and was never renewed!* The U.S. still uses Pearl Harbor as its military base but the lease ran out almost a century ago! They owe the Hawaiian Nation a lot of back rent. And what about all the other Hawaiian lands the U.S. military uses to intimidate Pacific peoples?

THE NEXT ISSUE OF KA MANA O KA 'ĀINA WILL FEATURE SELECTIONS FROM EXCELLENT TESTIMONIES PRESENTED TO THE U.S. SENATE OVERSIGHT HEARINGS AUG. 7—11. If you want to be on the mailing list, send us the clipout on page 16. Mahalo.

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eight steps—from *Hawaiian lands...*

BUSINESSMEN AND THE U.S. MILITARY ILLEGALLY TOOK OVER OUR NATION...

1

OUR HAWAIIAN GOVERNMENT was overthrown by the U.S. military and American businessmen in 1893 in violation of existing treaties. The U.S. forced Queen Lili'uokalani to yield her "authority" to the U.S. pending an investigation.To avoid bloodshed, she did so, but under protest.

...ABOLISHING OUR NATIVE RIGHTS!

2

U.S. DIPLOMAT John Stevens accepted the document from the Queen. This placed responsibility on the U.S. for the protection of the property and other rights of Native Hawaiians until the U.S. could "correct the situation." This laid the basis for the later token inclusion of "Native Hawaiians" in the so-called "trust" known today as the "*ceded lands trust.*"

BLOUNT SAID: 'REINSTATE THE GOVERNMENT."

3

U.S. SPECIAL COMMISSIONER James Blount conducted an investigation. He reported to the president and congress that the U.S. acted illegally. He recommended that the legal Hawaiian government be reinstated. President Cleveland agreed saying it was a '*lawless occupation of Honolulu under false pretexts by the U.S. forces.*"

BUT U.S.CONGRESS PREFERRED AMERICAN BUSINESSMEN!

4

GUESS WHO FAILED TO TAKE ACTION to restore the Hawaiian nation? You're right—congress failed to do so—under pressure from local haole businessmen, just like today. Congress continued to work with the haole businessmen's '*provisional government*" later called the "Dole republic."

...to stolen "ceded" lands!

THEY CLAIMED TO BE A "REPUBLIC!"*

5

THE LOCAL BUSINESSMEN, expecting annexation by the U.S., declared themselves a "Provisional Government" in January 1893. Stalled by the national election, they then called themselves the "Republic* of Hawai'i" in 1894 and waited for action from Washington.

**A "republic" is defined as "a state in which sovereignty resides in the people with an administration elected by the people."*

SOME STOLEN LANDS WERE SOLD...

6

CABINET MEMBERS OF THIS illegal self-described "Republic of Hawai'i" immediately began selling thousands of acres of stolen Hawaiian Government and Crown lands. Over 30,000 acres were sold as "grants." Of 632 grants, 488 went to persons with non- Hawaiian names, 23 to companies and only 121 to persons with Hawaiian names.

THEN THE U.S. TOOK OVER ALL THE REST...

7

BLOUNT'S REPORT on U.S. minister Stevens' involvement in the takeover of Hawai'i by force, plus the queen's protest, blocked annexation by treaty. Lacking two-thirds vote, the senate couldn't ratify. So the new U.S. president McKinley decided to annex Hawaii as a territory by joint resolution. This needed only a majority vote in congress in 1898. The illegal businessmen's "republic" then "ceded" (transferred) 1.75 million acres of stolen Hawaiian lands to the U.S. An "Organic Act" of congress in 1900 set up the "territory of Hawai'i" on these stolen lands.

...BUT NOT ONE ACRE FOR HAWAIIANS TODAY!

FIFTY-NINE YEARS LATER, congress dragged Hawai'i—stolen lands and all-suffering Native Hawaiian survivors—into "statehood" and made the survivors into unconsenting "wards" of the government. As token recognition of the illegality of the overthrow of the sovereign Hawaiian nation, congress labelled a quarter of the stolen lands as "trust lands" set aside for the *"public and Native Hawaiians." This was pure waha! Not one acre of "ceded" lands has been for the exclusive use of Hawaiians. The "public" has all 1.4 million acres!*

8

"WHY STATEHOOD?"

ONE REASON THE MOVE to make Hawai'i a "state" was pushed forward was because the United Nations had listed Hawai'i as a "non-self-governing territory". Spurred by the United Nations' position, the U.S. drafted a statehood act for Hawai'i and sent it to all federal departments for their review.

The U.S. Department of Interior proposed that the Statehood Admissions Act clearly state that the federal government has a trust responsibility in managing the public lands and that **the public trust should be for Native Hawaiians and the public.**

Many people are not aware that in 1947, the U.S. policy was to terminate its responsibility to its Native people (Hawaiians and Native American Indians), and to pass the obligation on to the states.

The state has done this by defining the Public Lands as all the Crown and Government Lands and all other lands later aquired by purchase and condemnation.

To make sure that none of the income from the "ceded" lands would go to Native Hawaiians, the state in 1961, had all "ceded" land income transferred to the Department of Education (DOE). These monies from stolen Hawaiian lands were then taken out of the DOE and put into the General Fund for public use.

THEFT AND BREACH OF TRUST CONTINUED AFTER "STATEHOOD"!

In reality, the U. S. had to identify a special trust for Native Hawaiians. That was because it had illegally participated in the overthrow of Queen Lili'uokalani and later, at the end of the "Republic" era, it promised to protect the rights of the inhabitants of the Hawaiian Islands.

The result was Section 5(f) of the Admissions Act.

SINCE "STATEHOOD," the "state" government has undertaken policies to insure that Native Hawaiian people would **NOT** benefit from the 5(f), "ceded" lands trust. Since 1959, the state has refused to set aside even one acre of the "ceded" lands for the exclusive use of Native Hawaiians (the "public" has all 1.4 million acres).

The federal government has also participated in the continuing theft of the "ceded" lands trust from Native Hawaiians. Under the Statehood Admissions Act's section 5(f), the U.S. is supposed to protect Native Hawaiian property rights. Yet, many state government agencies, particularly the Dept. of Transportation (DOT), use "ceded" lands and derive substantial revenues from airports and harbors, which depend upon these lands, without paying anything into the "ceded" lands trust fund for Native Hawaiians.

Until 1988, only the state and the U.S. could sue to correct these violations. The U.S. has never sued the state for breach of trust. The reason is that the federal government has also obtained "ceded" lands from the state for its own use.

INOUYE, WAIHE'E & OHA: THE OHĀ BLUEPRINT FOR NATIVE HAWAIIAN SELF-DETERMINATION AND LAND CLAIMS

One of the primary purposes for creating OHĀ was to maintain government control over "ceded" lands and the income from them.

DEMOCRATS in the 1978 Constitutional Convention created the new state agency called the Office of Hawaiian Affairs (OHĀ). It was patterned after the federal Bureau of Indian Affairs (BIA), and was intended to control the Hawaiian "pro-rata share" of "ceded" land income.

OHA was set up to *"pacify the Native Hawaiians."*

According to the Senate Journal, a Senate Standing Committee Report, in 1978 (S.C.R. 784) revealed that OHĀ was created to implement the "melting pot" of the public. OHĀ "should bring to eventual reality the equal participation of Hawaiians in the ultimate homogeneous and perfectly equal society."

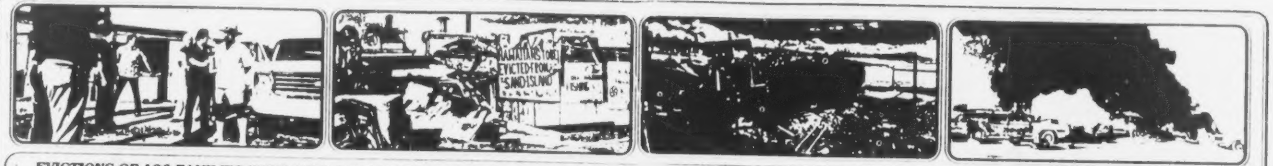
The Journal also said that OHĀ was **not** created to be a sovereign government, or tribe, and even if it were to become so, the state would forever have "plenary" (total) control over OHĀ. OHĀ would, it said, help defuse any Nationalist movement and pacify the Native Hawaiians.

Soon after OHĀ was created, the trustees learned that OHĀ would not be getting any of the "ceded" land income. The state attorney general argued, and continues to argue, that OHĀ is not entitled to any of the income derived from the "ceded" lands because it is not based upon "sales, leases, nor dispositions of public lands." OHĀ tried to sue the State, but the state supreme court said, "NO!" and referred the matter to the legislature. OHĀ then went to the U.S. supreme court, but in 1987, its case was thrown out. The legislature then passed the so-called "Right to Sue Act" in 1988, which calls for the governor

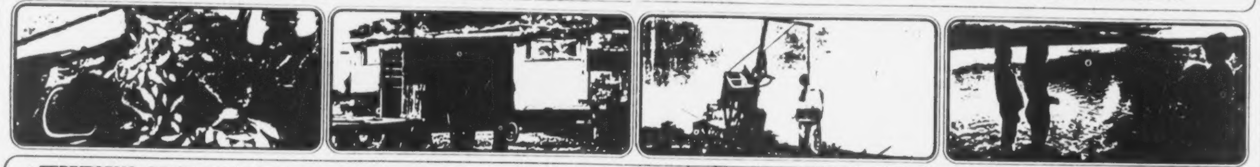
Continued on page 10

WHY STATEHOOD? *Continued from page 6*

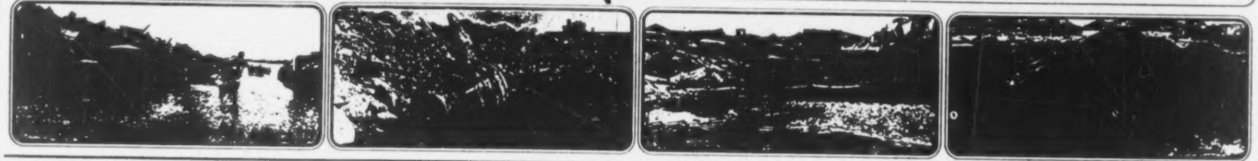
The state has failed to keep an accurate inventory of the "ceded" lands. In 1981, for example, only 1.27 million acres were included in the state's inventory. Much of the remainder had been transferred to state and federal agencies. For example the U.S. Coast Guard took 49 acres of land at Sand Island. During WWII, the military took Mākua Valley, and are still in possession of it today, with the exception of a strip along the beach. ❑



EVICTIONS OF 120 FAMILIES FROM SELF-BUILT HOMES ON SAND ISLAND 1980 • • STATE BURNED DOWN FOUR FISHING VILLAGE HOMES ON MOKAUEA 1975 •



• TERRITORIAL, STATE AND FEDERAL GOVERNMENTS LET THREE OF HAWAII'S LARGEST CONSTRUCTION FIRMS COMMIT THE CRIMES SHOWN AND DESCRIBED BELOW •



THE DISASTERS shown here — evictions of Hawaiian fishermen, of "homeless" Native Hawaiian families, radical abuse of their ocean environment and resources — occurred in and around Ke'ehi Lagoon, all in recent years. The lagoon, reefs, and much of the surrounding harbors and airport are "ceded" lands — all of it stolen and some re-stolen, and now threatened by Waihe'e plans.

The term "homeless" doesn't fit Native Hawaiians. Hawai'i IS our homeland — much of it illegally occupied — for now. The evictions (Sand Island) and thwarted eviction (Mokauea) were carried out by the state government whose history is mired in a massive coverup of its proven historical illegality. Also hidden from view is one of the prime economic reasons for the form and structure of the state's existence, that of serving private corporations with land, tax money, zonings, access to federal funds and excuses for many of the kinds of events briefly shown here, yielding Dillingham and others corporate profits in the millions.

EVICTIONS The upper panel shows tragic scenes of forcible evictions by the state of Hawai'i at Sand Island, O'ahu, of about 120 families from their self-built homes With armed city police, arson, dogs, arrests on phony charges, bulldozers and wanton illegal destruction of private property of the poor, the state commited many attacks on a community of poor "homeless" families of men, women children, aged and young, and some disabled. At MOKAUEA ISLAND, ordered by governor Ariyoshi and ex-admiral E. Alvey Wright, DOT chief, arsonists burned down four of 14 homes of Mokauea fishermen some of whom had lived in the traditional Hawaiian fishing village there for over a quarter century. Until confronted, mayor Fasi had allowed city cops to protect the state's arsonists. Mokauea fishermen confronted the mayor with the illegality of cops cooperating with instead of arresting state arsonists. Fasi backed off, the state had no protection from fishermen who threatened to kill. Fishermen won a 65-year lease rebuilt burnt homes and a 2-acre Hawaiian fishpond with donated labor and materials.

KE'EHI LAGOON Three firms stole 32.5 acres of public domain ceded land over a 25-year period by dumping and filling as shown. Exposed by two activists and media coverage, the Army Corps of Engineers was forced to take them to court. They were liable for $45 million in fines for the largest illegal dumping in U.S. history. A mainland judge let the firms off with an order to smooth the stolen lands and plant grass! ☐

INOUYE-WAIHE'E-OHĀ and the OHĀ "BLUEPRINT" Continued from page 7

and OHĀ to recommend a solution to the legislature in 1991.

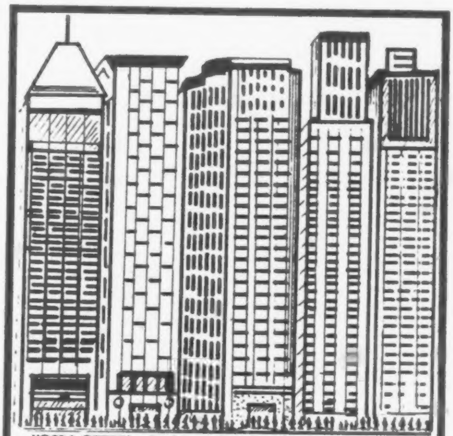
CLOSED DOOR MEETINGS

OHĀ then began closed-door, secret meetings with Waihe'e and the state's attorney general's office in violation of the state sunshine law. A plan was devised that would put the Democrats in a win-win situation in 1989. The plan was this:

1 — **OHĀ and Waihe'e** would oppose the Hawaiian community's right-to-sue bill, and instead pass a bill that called for Waihe'e to resolve the problem through negotiations with OHĀ.

2 — **The OHĀ-WAIHE'E** bill would be passed in 1989, and would provide for the following:

- OHĀ would choose 20% of "ceded" land and be free to sell, lease, or dispose of the land;
- OHĀ would support geothermal development and get 20% of geothermal development money; and
- OHĀ would support tourism and get 20% of the tourist tax money.



'OHA CITY'—A view of Hawaii's future under the OHĀ 'Blueprint': OHĀ supports tourism and gets 20% of the tourist tax money!

The OHĀ-Waihe'e plan was blown out of the water just before the opening of the 1989 legislative session, when a copy of their bill was leaked to the community.

When the Native Hawaiian community learned of this bill, a major effort was made to obtain federal support for Hawaiian sovereignty, and for passage of a federal right-to-sue bill. Several Hawaiian groups met with senator Inouye, first in 1987 to petition for a federal right-to-sue bill that would allow Native Hawaiians the right to go to federal district court to sue the state and U.S. for breach of trust, and secondly, in 1988, to petition for sovereignty.

➡

THE *'RIGHT TO SUE'*? NOT FOR NATIVE HAWAIIANS!

Under a State law passed in 1988, Native Hawaiians can sue. But, if they win, they cannot get their "ceded" lands, or the income from these lands.

For many years Native Hawaiians have tried to gain the right to sue the State and Federal Governments for breach of trust, but without success, thus far.

That is because the Democratic boys club in Hawai'i and Washington, D. C. have refused to give them this right.

INOUYE-WAIHE'E-OHĀ and the OHĀ "BLUEPRINT" Continued from page 10

UNDER STATE LAW, passed in 1988, Native Hawaiians can sue only if the governor and OHĀ fail to work out a deal on the ceded lands by 1991. If no deal is worked out, Native Hawaiians can then sue for claims arising between 1959 and 1991. But, even if they win, they cannot get their "ceded" lands, Hawaiian Home lands, nor the income from these lands!

Everything they might win by law must be returned to the state!

In March 1988, Inouye made an official response to the request that the right-to-sue issue be pursued at the federal level. Here is what he wrote:

> ***"...the Governor has created a task force made up of his staff and OHĀ trustees. This task force is endeavoring to resolve the ceded lands question which hopefully will, among other things, preclude the need for a "right to sue" bill. In the meantime, the Governor has requested that I not pursue this issue on a federal level."***

THE INFAMOUS "BLUEPPRINT"

In May 1989, the Native Hawaiian Legal Corporation (an affiliate of the Native American Rights Fund in Colorado, which works closely with Inouye's staff and OHA) and a U.H. law professor under a $20,000 contract, produced OHA's "Blueprint for Native Hawaiian Self-Determination and Land Claims."

This plan calls for the U.S. to recognize OHĀ as a sovereign nation, then • for OHĀ to control the "ceded" lands and Hawaiian Home Lands; • for OHĀ to own the Volcanoes National Park, Honaunau National Historic Park and Haleakala National Park, and • for OHĀ to get all federal funds for education, housing, health and other programs for Native Hawaiians. It says that after this is accomplished, • OHĀ will write a constitution and hold an election to create a "sovereign entity."

The OHĀ "Blueprint for Native Hawaiian Self-Determination and Land Claims" **was actually initiated by senator Inouye in 1987,** when he directed that his legal staff in Washington, D. C., prepare memos justifying **continuing state control** of Native Hawaiian trust assets by the Department of Hawaiian Home Lands and OHĀ. **These Taylor/Mahsetky memos were sent to OHA by Inouye's staff, but were not distributed to the Native Hawaiian community!** [Mike Mahsetky memo, Aug. 19, 1987; Peter S. Taylor memo, Aug. 21, 1987]

Paragraph 5(b) of the Admissions Act gives the **state** title to all public lands previously held by the U.S., including Hawaiian Homelands. This means that the state legislature can dispose of the "ceded" lands **without** any act of the U.S. Congress.

Is this what senator Inouye, the governor, and OHĀ are planning to do? □

OUR PRESENT SITUATION – JULY 1989

YEARS OF CONSPIRACY, culminating in the illegal overthrow of 1893, continue to burden us with a false history.

Because all of this has not worked for us, we Hawaiians want due process and sovereignty, so we can run our own affairs.

By not addressing "sovereignty", these hearings are designed to avoid the real issue of what happened in 1893. This issue challenges the legitimacy of the federal and state governments as they operate in Hawai'i.

As long as government agencies and spokespersons perpetuate this farce, in the eyes of rising numbers of people who are learning the truth, the government agencies and mouthpieces become part of the farce. Governments lie, but lies cannot govern informed people.

Since the invasion by the U.S. military in 1893, we Native Hawaiians have no protection under the controls imposed over us in our own homeland. We Hawaiians must assert our traditional sovereignty over our lands so that we may continue to exist and to preserve our families and their future.

The proper process for attaining this goal of restored recognized Hawaiian nationhood is not more secret deals imposed on us — *ua pau i ka hana.*

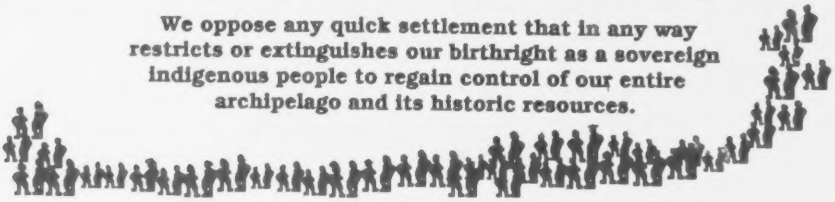
Rather, **THREE BASIC PRINCIPLES** must uphold the integrity of an open, democratic and flexible process in order to assure quality of the final product, whatever form it may take and however long it may take:

① **We, the Hawaiian people, must participate now in open educational workshops for ourselves and the general public on the true history of the theft of our nationhood and lands, and continuing abuse by the current political establishment.**

② **These models must be historically, culturally and uniquely appropriate for us as Hawaiians. All available options and models — not just one "Blueprint" — must be thoroughly aired and assessed.**

③ **Out of these public discussions, we the Hawaiian people as a whole must be permitted to evolve consensus, in our own culturally appropriate way, to assure that our stolen lands and our rights are properly restored to us with a "sovereign entity" (self-government) of our own design, *separate* from the U.S. and state of Hawai'i governments.**

We oppose any quick settlement that in any way restricts or extinguishes our birthright as a sovereign indigenous people to regain control of our entire archipelago and its historic resources.



WHO WERE THE TRAITORS WHO CONSPIRED WITH THE U.S. GOVERNMENT TO "ABOLISH" THE LEGAL GOVERNMENT OF THE HAWAIIAN KINGDOM?

HERE THEY ARE — PRINCIPAL ACTORS IN THE CONSPIRACY DRAMA...

William O. Smith Lawyer, son of missionaries, identified as "one of the ringleaders of the revolution" and an "extensive owner of sugar plantation stock." At one point, Smith was one-fourth owner of Koloa Sugar Co.

Lorrin A. Thurston, lawyer, partner of W. O. Smith, and grandson of missionaries Asa and Lucy Thurston. A leader of the "revolution," he tried to get the U.S. to annex Hawai'i. In 1900 he became publisher of the *Honolulu Advertiser*.

William R. Castle, attorney, was son of missionary-turned-businessman, Samuel Castle. Castle, Thurston and William C. Wilder tried to convince U.S. officials in Washington to annex Hawai'i.

William C. Wilder, an American and naturalized Hawaiian citizen, a politician, and chairman of the mass meeting held on January 17, 1893, that voted to give the "Committee of Safety" extraordinary powers to secure control of the Kingdom of Hawai'i. William was the brother of Samuel G. Wilder who married the daughter of Gerrit P. Judd, ex-missionary, powerful government advisor who held many posts in the Hawaiian Kingdom government and was a chief architect of the mahele. Both William and his brother Samuel organized the Wilder Steamship Co. in 1883. Others involved with the Wilders were William G. Irwin, John H. Paty and Samuel M. Damon.

Samuel C. Damon, son of missionaries Samuel C. and Julia Damon. Samuel C. was pastor of the American Seamen's Friend Society and editor and publisher of newspaper, ***The Friend***. Son Samuel M. married Harriet Baldwin of Lahaina, Maui, and became a partner of banker Charles Reed Bishop. Samuel Advised Queen Lili'uokalani to yield to Dole and his annexationists. He was minister of finance under Kalakaua in 1887 and remained in the post under Dole's provisional government (P.G.) and "Republic of Hawai'i."

Albert S. Wilcox, was son of missionaries Abner and Lucy Wilcox, who were stationed in Hilo where Albert was born. Albert became manager of Hanamaulu sugar plantation and later was associated with Princeville plantation, both on Kaua'i. Both Albert and brother George Wilcox were deeply involved in the sugar industry in Hawai'i and in Hawaiian politics. Both held political office at one time or another. George became prime minister under Kalakaua in 1892.

...AND THEIR PRINCIPAL ROLE

Out of seven prime leaders of the overthrow of the Hawaiian government, five were sons of missionaries and one was a grandson of a missionary.

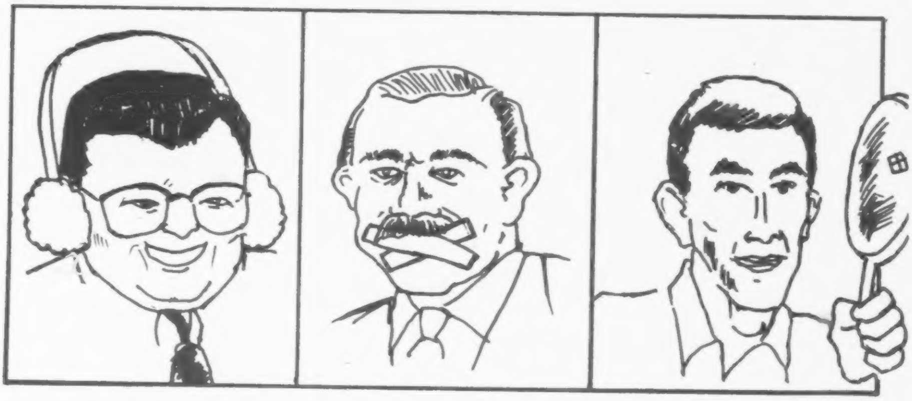
One who was not from a missionary family married the daughter of Dr. Gerrit Judd, a missionary-turned-politician.

Six of the seven had served in the Hawaiian legislature, either as "nobles" or representatives. Two served as ministers in the cabinet of the Hawaiian government and Dole had to resign his appointment as associate justice of the supreme court before he could accept the position as "president" of the P.G.

These conspirators and traitors to those they claimed to serve, deceived some of our Hawaiian people then, as some of their descendants and political heirs are trying to do now.

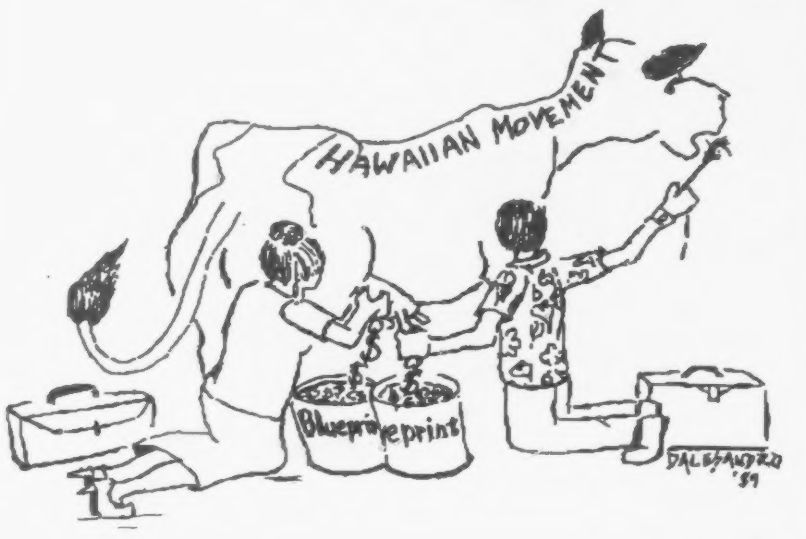
Those years of conspiracy, culminating in the overthrow of 1893, continue to burden us with false history today. ❑

This was one of 16 all- haole groups called the Honolulu Rifles organized in 1884 during Kalakau's regime. They were the military arm of the Hawaiian League, an all-haole gang of businessmen agitating against the Hawaiian government.They helped force Kalakaua to accept the "Bayonet" Constitution of 1887 which deprived two-thirds of the Hawaiian people of voting rights. The Rifles played a key role again in 1893 patrolling the streets and intimidating Hawaiians and their supporters at the time of the illegal overthrow of the Hawaiian government. They re-organized in 1895 as the "Citizen Guards" to put down the Hawaiian revolt agains the illegal Dole "republic." The group pictured here was the "Thomas Square Sqad No. 4 commanded by businessman-missionary-descendant Charles Montague Cooke, Sr., second from the right.



hear no sovereignty... speak no sovereignty... see OHĀ as sovereign!

Cartoon by David Minton



Further Readings

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KA MANA O KA 'ĀINA
P. O.Box 27-478
Honolulu, Hawai'i 96827

I would like to support Hawaiian sovereignty by making a contribution:

Enclosed is my check in the amount of: $5 ___ $10 ___ $25 ___ Other ________________

I would like to help produce the Bulletin. Please contact me at ________________

________________________________ *Phone* ____________

My name is ________________________________

✂- -

MORE WASHINGTON "WAHA"

The Honolulu Advertiser, on Monday July 24, suggested Inouye agreed to listen to sovereignty testimony. But Inouye didn't put it on his official published agenda. Inouye's pro-sovereignty murmurings sound like more Washington *waha*. Unfettered sovereignty is the only realistic way to better health, decent housing, protection of Hawaiian language and culture, and to recovering the use, control and income from our traditional lands.

KA MANA O KA 'ĀINA
P.O. Box 27-478
Honolulu, Hawai'i 96827

Revised

LESLIE A.C. AWANA
P.O. BOX 1281
WAIANAE, HI 96792

THE HONORABLE SENATOR,
DANIEL K. INOYUE
U.S. CONGRESSMAN

DEAR SENATOR INOYUE:

MY NAME IS LESLIE AWANA. I AM WRITING THIS LETTER BECAUSE I HAVE SOMETHING ON MY HEART THAT I WANT TO ADDRESS TO YOU AT THIS TIME. IT IS IN REGARDS TO THE PARCEL OF LEASE LAND THAT WAS AWARDED TO ME BACK IN MAY OF 1985.

THIS PIECE OF PROPERTY IS LOCATED AT THE WAIANAE HOMESTEAD AREA. THE SQUARE FOOTAGE OF THE PROPERTY IS ABOUT 7600 FT

I AM WRITING THIS LETTER NOT OUT OF ANIMOSITY OR TO CAUSE ANY CONTENTION. MY CONCERN IS OVER THE FLAGRANT ATTITUDES AND POLICIES THAT BIND THE BENIFITS THAT WOULD FINALIZE OUR LONG AWAITED DREAMS!! WE CANNOT CONTEND WITH A FORCE THAT IGNORES THE RIGHTS THAT WE SO HOPEFULLY ASPIRE TO ATTAIN.

MY FAMILY AND I ARE VERY APPRECITIVE TO HAVE BEEN CHOSEN OUT OF MANY WHO FOR SO MANY YEARS HAVE WAITED FOR A SIMILAR CHANCE, TO BE AWARDED A PIECE OF LAND THAT THEY TOO CAN CALL THEIR OWN. BUT...IT SEEMS THAT POLICIES OF THE HHL PROGRAM HAVE ONLY DAMPENED ALL OF OUR HOPES IN THE BETTERMENT OF OUR LIVES.

WE ARE LIKE MANY OTHER FAMILIES WHO LOOK IN FROM THE OUTSIDE. NOT REALLY KNOWING WETHER OR NOT WE WILL BE IN OUR OWN HOMES IN THIS LIFE TIME BUT PATIENTLY WE PAST THE TIME GRACIOUSLY.

SIR, WE HAVE ENCOUNTERED MANY DELAYS AND FACED MANY OBSTACLES BUT NOTHING AS ENCUMBERING AS NOT KNOWING IF WE WILL BE ABLE TO DEVELOP ON THE LAND GIVEN TO US. SOMETIMES I WONDER IF WE EVER WILL BUILD A DREAM FOR OUR FAMILY. OUR PLIGHT SEEMS LIKE A COMATOSE PERSON WHO MAY NEVER AWAKEN .

SIR, I AM THE 3RD GENERATION OF AWANA'S AND MY CHILDREN THE 4TH GENERATION, I ASK YOU WILL MY CHILDREN HEAR THE SAME EXCUSES FROM HHL?.. NO MONIES AVAILABLE, NOT ENOUGH FUNDING, YOU DO NOT MEET THE FINANCIAL REQUIREMENTS!

SENATOR, THIS TYPE OF TREATMENT AND DEFLATABLE TACTIC, ONLY EXPAND AND STRENTHENS THE AWARENESS THAT FAULTY POLICIES EXSIST ONLY TO MOTIVATE THE STATE & ITS CONSTITUENTS TO KEEP THE NATIVE HAWAIIANS FROM THEIR GOD GIVEN BIRTHRIGHT...THE LAND!! IN TRUTH THEY HAVE NOT EXCERCISED THE HIGH PRIORITY AND CONCERN FOR THE EQUALITY AND BETTERMENT OF THE NATIVE HAWAIIAN PEOPLES.

THE HEART BEAT OF THE PEOPLE BOOMS THE SOUNDS OF THE CRITICAL NEED FOR COURAGES ACTIONS FROM PROMINENT INDIVIUALS LIKE YOURSELF AND THE FORTITUDE TO REVERSE AND RECTIFY PAST MISJUSTICES ON WHAT CAN TRUELY BE SAID, IT IS LONG OVERDUE.

IN CONCLUSION SIR, WE WOULD LIKE THESE THINGS HAPPEN FOR OURSELVES AND OTHERS:

1- WE WOULD LIKE TO BE ABLE TO MOVE ONTO AND INTO OUR PROPERTY AND HOME AS QUICKLY AS POSSIBLE.

2- WE WOULD LIKE TO BE ELIGIBLE FOR FUNDING TO DEVELOP AND BUILD AND TO BE NOTIFIED BY LETTER THAT FUNDING IS AVALIABLE.

3- WE WOULD LIKE TO SEE THAT FUNDING BE DISTRIBUTED EQUALLY BUT NOT AT ONE FLAT RATE BUT BY THE NEEDS OF THE FAMILIES AND THAT THE REQUIREMENTS FOR FUNDING BE TREATED WITH RESPECT TO THE LEASEES NEEDS AND NOT PUT A STRESSFUL BURDEN ON THEIR ABILITY TO LIVE AND SUPPORT THEIR FAMILIES PROPERLY IN WHICH EVENT WOULD PLACE UNDUE WORRIES TO MEET THE MONTHLY PAYMENTS.

4- LASTLY WE WOULD LIKE TO SEE AN AMENDMENT FOR FUNDING TO BE SHARED TOGETHER WITH OTHER LEASEES WHO ARE WAITING FOR DEVELOPMENT OF THEIR LAND AND HOMES.

THE AMENDMENT SHOULD BE VIEWED FROM THE LEGISLATURE DISTRIBUTION OF FUNDS TO THE HHL PROGRAM AND AN AMENDMENT TO BE VIEWED FOR FUNDS TO BE ALLOCATED AND DISTRIBUTED TO NATIVE HAWAIIAN LEASEES.

AT THIS TIME MY FAMILY AND I WANT TO THANK YOU FOR YOUR GENUINE PATIENTS AND YOUR ALOHA IN SHARING THIS TESTIMONIAL LETTER FROM ALL OF US.

MAHALO NUI LOA,

Mr. Leslie Awana

August 7, 1989

Senator Daniel Inouye
Members of the Committee

Gentlemen:

My name is Burnetta Kehaulani Lee Baijo. I was born and raised in Papakolea Hawaiian Homestead, on the slopes of Mt. Tantalus in Honolulu, Hawaii. I am still living in the house I was born in, along with my 11 year old son, Jonathan Kauaowaiakea Baijo, and my father, Edward Kauaowaiakea Lee who is the original leasee.

I grew up as a Hawaiian, in a Hawaiian community. My wish is for my son and his children after him to do the same. I am afraid that you and other officials like you will make that dream impossible.

Like the Native American Indians, the Hawaiian people have been displaced and robbed of their birth right, our beloved aina (land). Land to us is not just a piece of real estate to buy and sell. It is the source of our very lives, our culture, and our identity as Hawaiians. Each individual Hawaiian did not "own" land, as the Americans and Europeans did, privately held and as a commodity to be bought and sold like other material things. We as a people were one with the land. The separation of the Hawaiians from their land was the final blow to a communal people already weakened by foreign influences and introduced disease. It was this very deterioration that the creation of the Hawaiian Homestead Act was supposed to address. To "rehabilitate" the Hawaiians - by putting us back on the land.

Over the years, the Americanization of the Hawaiian Islands, including all the effects - positive and negative - of Statehood, has slowly eroded what was left of the Hawaiian people. The Hawaiian Homes communities are the last remaining communities of Hawaiians. If these communities are broken up, you will be guilty of genocide. Because we may be few as compared to our Native American brothers, and because in land size we are relatively small, does not change this one fact. Without land, there is no Hawaiian nation.

The Hawaiian Homes Act must be changed from a temporary leasing arrangement to a permanent land trust held exclusively by qualified native Hawaiians and governed and managed exclusively by native Hawaiians.

The Hawaiian Homes Commission has not been a satisfactory managing body in many ways. Testimonies today will attest to that. Whatever the reasoning, Hawaiians are subject to the rules, regulations, and policies of a governing body that does not always act in our interest.

In my own case, Commission policy has conspired to threaten my ability to continue to live in Papakolea. My father, Edward Kauaowaiakea Lee, attempted to pass his lease on to me. He has held his lease since 1941. In preparing my own blood quantum information, I discovered that my father's birth certificate indicated in error that his father was Chinese and his mother Chinese-Hawaiian. If this were true, he would not be 50% Hawaiian as the Act specifies. His brothers' birth certificates, however, with the same mother and father, indicate that his mother is pure Hawaiian. I brought this to the Commission's attention, even providing their birth certificates as proof. I was told that it didn't matter, they were only going by my father's birth certificate. They would put his name on a list, and since he was elderly, allow him to live out his lease, but that upon his death, we would lose the lease to our home in Papakolea. My father is a Hawaiian. In 1941 the Homestead Commission recognized him as a qualified Hawaiian, and issued him his lease. And now, all that is negated because of pieces of paper over which we have no control? There is no birth certificate on record for my grandmother, who was born a hundred years ago in a small Hawaiian community in Maui. According to the Board of Health, there are not records available at all. I am not the only Hawaiian facing this issue. These and many more problems must be addressed if Hawaiians are to have just treatment and full say over the fate of the land we now live on.

page 3
August 7, 1989
Senator Inouye

My proposed solution is this:

1. Change the nature of the Hawaiian Homes Act from a temporary lease holding system to a permanent land trust, managed and controlled by Hawaiians, like the tribal councils currently managing Native American Indian lands. **After all, it is our land in the first place!**

   In this way, Hawaiians will decide how to use our lands, generate money, open up more of the unused lands to more Hawaiians.

2. "Grandfather" the original leasees and their families. If a lease was issued, then that acknowledges the original leasee as qualified, and he/she should be to pass those lands on to immediate family members in perpetuity.

3. Ensure that the governing of Hawaiian Homes lands be done by Homesteaders directly, and not through any Government body or Government office, such as the Office of Hawaiian Affairs.

The question of what happens to Hawaiian Homes and homesteaders is an emotional and very powerful issue. The lives and futures of generations of Hawaiians is at stake. We are a loving and gentle nation, but we will not let you destroy the last of us without a fight.

Gentlemen, I trust you will do the right thing.

Aloha,

B. Kehaulani Lee Baijo
2255 Tantalus Drive
Honolulu, HI 96813
(808) 533-3247

Protocol:
Mr. Chairman
Senator Inouye
Members of the Select Committee on Indian Affairs

My name is Willard Kealiinaauao Sam Fong Sr. I am a lessee residing in the Papakolea homestead. I support emphatically and wholeheartedly the proposals presented by the homestead presidents.

I especially would like the question of lease renewal addressed now, not 30 years from now when it becomes too crucial because of the time factor. Although the issue is not readily agreed upon as to recommendations and how to proceed, at least I would know that the process of moving towards a satisfactory settlement is here and now.

Looking back to Hawaii's past, the native Hawaiians have been systematically discriminated against. Systematically eliminated. Systematically systemed out of everything. We have lost land. We have lost correct cultural traditions. We have even lost that intrinsic value aloha.

Are we to continually be second class citizens because of our past ignorance and inexperience? Are we to smile and accept these conditions because we do not have the political muscle to have our needs met? What has happened to law, justice, and those meaningless words of "fair play, equal in the eyes of the law?" That old adage which says: "I can't hear a word you are saying because what you are doing is too loud in my eyes," which is how many Hawaiians view their political leaders. Where is the ethical behavior our lawmakers or community leaders are suppose to model? How do we teach these values of honesty, truth, and all those other virtues we hold dear and at the same time tell our children, our parents, our grandparents that their lawmakers refuse to uphold the law and are withholding resources rightfully theirs?

Ladies and gentlemen, I recommend to you that I, as a native Hawaiian, have had enough. I would hope that you Senator Inouye and the members of this select committee as honorable leaders locally and nationally would initiate what can only be described as a rebirth. To end the lament of native Hawaiians that we have been wronged. To give all of our native Hawaiians that intrinsic value of worth. To empty our prisons of native Hawaiians because they now have the means to live productive lives. To have trust in those who have been selected by democratic means. To truly radiate aloha, because we feel that way deep down inside, that the recommendations and proposals by the Hawaiian Homes Lands Association Council should be acted upon and that the benefits will be felt throughout the whole community.

Mary Holeman
Post Office Box 762
Honolulu, HI 96808
August 3, 1989

Honorable Daniel K. Inouye
Senate Select Committee on Indian Affairs
300 Ala Moana Boulevard
Honolulu, Hawaii 96850

Dear Senator Inouye:

Although I will not be here to tesitfy before your Committee next week, I'd like to point out:

Your February 1983 "Report to Hawaii" lists $156,000 spent for "research into development of diversified agricultural crops for rural areas in Hawaii." Also, $2.4 million was given to the Hawaii Natural Energy Institute. Why don't you combine these efforts in pilot projects on Hawaiian Home lands?

Right now Hawaii is dependent on imported oil and food. Did you know that we even import taro? A century ago, ships used to make port in Hawaii to be supplied for months at sea. Then, Hawaii exported rice, potatoes, and vegetables. By taking some bold steps to link these on-going efforts you could move Hawaii toward producing its own food again and in developing energy independence for the 21st century. With pilot projects on Hawaiian Home lands you could combine your interest in natural energy with diversified agriculture as well as help to settle the many native Hawaiians waiting for their land.

Remember, Hawaiian Homelands are exempt from county codes, so such pilot projects could also lessen the DHHL's infrastructure "pork-barrel politics" problems. Moreover, native Hawaiians could participate in experimental communities living with energy systems of the future and growing diversified crops.

Sincerely,

Mary Holeman

Indian Affairs, Hart Senate Builing
Room S H 838
Washington D. C. 20510 - 6450
July 20, 1989

Senate Select Committee
Office of Indian Affairs.

Daniel K Inouye	Hawaii	Chairman
John McCain	Arizona Vice	Chairman
Quintin N. Burdick	North Dakota	
Thomas A. Daschle	South Dakota	
Kent Conrad	North Dakota	
Frank H, Murkowski	Alaska	
Thad Cochran	Mississipi	
Dennis DeConcini	Arizona	

Subjects:

1. The Waimanalo Sewer Connection Requirements of the Department of Hawaiian Homes and the City and County of Honolulu.
2. Real Property Tax assessment on Hawaiian Home Lands by the City and County of Honolulu.
3. Water assessment on Hawaiian Home Lands by the City and County of Honolulu.

Dear Senator Inouye, honorary members of the Senate Select Committee on Indian Affairs:

Aloha, Ka kou (Greetings to each of you.)

I am at this time sending to each of you, my signed affidavit, recorded and documented dated July 20, 1989, to give you ample time to review the documents, that I am presenting at the hearings and that I feel is very important in regards to the issues.

Mahalo, (Thank you) Papa Inn

The City and County of Honolulu is in violation of the State Constitution, of the Hawaii Admissions Act of 1959.

Section 4 and Section 5 (f)
The Hawaiian Organic Act Section 91
The Joint Resolution Section 171.2

The County, by imposing assessments for water and Sewerage violates Section 4 and Section 5 (f).

Under Section 4, it contains the provision of encumbrance.

The water and sewerage relates to each other.

The water issue which was amended, that allowed the Commissioners to negotiate with the County even if it is on Hawaiian Home lands, areassessing the lessee's for water, that is wrong. Because, that is income from available lands if it is an income, it shall go into the 5 (f) fund for the betterment of the native Hawaiians and not into the public trust fund of the County of Honolulu.

My question is, who have the Authority and / or jurisdiction to increase the encumbrance on Hawaiian home lands? Is it the County? My answer to that is no. It says it is the State because of the amendment.

That is the problem the County will have to face. Anytime anyone deals with the encumbrance it will be is, who have the authority to handle the increase. The question again is, was it correct or incorrect? legislation, the State had no authority to give the County the authority to increase or decrease the encumbrance on Hawaiian home lands.

In section4 it clearly states: No one can alter or amend the encumbrance, because it is an income from the land, that goes only into one place, and thats into section 5 (f) which distributes it for the betterment of the native Hawaiians and for the 5 purposes of section 4 of the Hawaii Admissions Act. If the encumbrance is forced elsewhere, how can the 5 purposes be accomplished, for the betterment of the native Hawaiians, if it does not recieve its due income as required by the Hawaii Admissions Act of 1959?

That income diverted from the lands is the native rights to the 5 (f), where is it? Thats the question, it con-tridicts the statement that is in the Constitution,that all the money shall be diverted to Hawaiian home lands for the betterment of the native Hawaiians

Senate Committee
Page 2 cont.
July 20, 1989

When they divert water, highway, parks or any revenues from Hawaiian home lands, all that money is to go into the fund for the betterment of the native Hawaiians and nowhere else.

Now, here is the impact of the contridiction.

The Commissioners having the authority to lease out Hawaiian home lands under section 206 to native Hawaiians and / or non-Hawaiians which is the public, for utilities, parks, ect. where in there that that money they divert income from, where does it go? Do they have a share in that? do they recieve any revdenues or portion of revenues? the answer is yes.

In the State Constitution, it states, it has to go to the betterment of the native Hawaiians, Therefore, it shows the contridiction of the section, that says they are allowed to issue license and yet the Constitution says, anything that is diverted from the lands which is the income, is for the betterment of the native Hawaiians.

One section it states this the other section it states that, which creates problems for the State and the County especially if the homework is not tended to.

They the County and the State don't seem to understand the violations that has been committed against the native Hawaiians, because of the misunderstanding of the Act that therefore, creates unneccessary hardships on the native Hawaiians for decades.

I am talking about money diverted from the 5 (f). The department of Hawaiian homes was incorporate with the public lands under section 5 (f), the public trust lands and 204, and 204 is Hawaiian home lands was incorporate to section 5(f),

The lawyers knows that or do they. They seem to have a problem regarding the issue, they are saying that the issue does not apply to Hawaiian home lands, its ridiculous it clearly says the lands are all diverted from Section 204 and public trust lands all goes under Section 5 (f) b and c,thats Hawaiian homes that they are talking about, 204 the public trust lands,

They know what I am saying, because of the tax issue. The County were given an ultimatum of 10 days on May 23, 1989 to respond and to this day failed to heed the request.

I Believe that they will not respond, because they know that they have committed wrongdoings to the native Hawaiians and know that they are liable for it.

Subject:

Real property tax assessments on Hawaiian Home Lands imposed by the City and County of Honolulu.

The primary concern addressed to me in their September 12, 1989 memorandum appears to be the assessment of all real property tax for the island of Oahu, or for that matter all Counties in the State of Hawaii that relates to public and or private property only, certainly, not on Hawaiian Home Lands.

In their memo dated as above, it has been accorded that appears to be unusual treatment by both the legislature and the edifiers, so that its status is obscure, confusion arises because of Section 171.2 of the Joint Resolution, which defines Hawaiian Home Lands as distinct and separate from public and / or private lands. Section 91, of the Hawaiian Organic Act indicates that the United States relinquished the absolute fee and ownership prior to the admission of Hawaii as a state of the United States unless, subsequently placed under the Department of Land and Natural Resources and given the status of public lands, then and only then State and County laws is applicable, in accordance to the State Constitution, the Hawaiian Homes Commission Act of 1920 as amended. or other laws.

Section 4, of the Hawaii Admissions Act 1959 indicates

The encumbrances authorized to be placed on Hawaiian Home Lands by officers, other than those charged with the administration of said Act, shall not be increased, except with the consent of the United States.

Therefore, by assessing we the lessess's of Hawaiian Home Lands the beneficiaries of the trust, of water, sewerage and taxation illegally, the State of Hawaii (TRUSTee TO THE TRUST) and the City and County of Honolulu and in conspiracy, altered and amended the encumbrance of Section 4, of the Admissions Act of 1959, without the authorization of the United States.

In the State Constitution it states:

(1) Article 12 Section 1, that the monies diverted from those lands is to go directly for the benefit of the inhabitants of those lands and nowhere else.

(2) Article 12 Section 2, that it made a compact with the inhabitants, that all income will go directly into the trust for the benefit of the inhabitants and that they will uphold the treaty, which they have failed to do.

(3) Article 12 Section 3, indicates that they will uphold the the Constitution and the treaty between the United States and the Kingdom of Hawaii, which have not been done.

(4) Article 12 Section 4, The State Constitution, excludes available lands from others upon which the trust is imposed by the Statehood Act, so that available lands could not be used to benefit the remainder of the Hawaii Public.

Senate Committee
July 20 1989
Page 4

The Federal-State task force in their findings and recommendations, that Hawaiian Home Lands are assessed in the same manner as privately held lands for real property tax purposes and since Hawaiian Home Lands cannot be alienated that it would be appropriate for such lands to be assessed differently. Like how? Discount? I have never heard of such a suggestion to be made in respect to real property taxation, unless they have that trend on Indian Reservation, heaven forbid.

I would say definitly, that it would be inappropriate to assess real property taxation on Hawaiian Home Lands, as they are incognizant or are they cognizant of Section 171.2 of the Joint Resolution, which clearly shows that Hawaiian Home Lands is distinctly separate,from public and/or private lands.

The State of Hawaii and the City and County have based their authority of taxation, (in part):

> "At the time of the enactment of the Act the relevant statute read:"
>
> Taxable as fee. Land held ... under a homestead lease, shall be liable to taxation as estates held in fee": Fine for public lands. Hawaiian Home Lands don't carry the status of public lands as indicated in Section 171.2 of the Joint Resolution, and
>
> In Section 91 of the Hawaiian Organic Act, indicates:
>
> Lands to which the United States relinquished the absolute fee and ownership under Section 91 of the Hawaiian Organic Act prior to the admission of Hawaii as a state of the United States unless subsequently placed under the control of the Department of Land and Natural Resources and given the status of public lands in accordance with the State Constitution, the Hawaiian Homes Commission Act of 1920 as amended or other laws.
>
> The Task Force recommendation for designing and testing alternative development programs, such as awards of raw lands with a waiver of water requirements.
>
> Does it not, "to waive the water requirements, which should read rights, reflects to the issue of water assessments imposed by the City and County?I believe so, that we do have water rights, as indicated in Section 220 of the Hawaiian Homes Commission Act of 1920 as amended.

At this point gentlemen in my opinion, of course that most of the arguements contained in this material, as far as I am concerned is absolutely irrelevent to the issues.

The key to the solution of this problem, that has been plagueing the native Hawaiians for decades, the beneficiaries of the Act,lies in the State Constitution, Section 4 and Section 5 (f) of the Hawaii Admissions Act of 1959, Section 91 of the Hawaiian Organic Act, that was created from the Joint Resolution and Section 171.2 of the Joint Resolution that was created to provide for:

The annexation of the Hawaiian Islands to the United States.

The State of Hawaii, being in the position of TRUSTEE TO THE TRUST, and its constituent agencies have been in connivance, conspiracy, knowingly and intentionally (as the record shows in my documents) flaunting the Congressional, the State Constitution, the Hawaiian Homes Commission Act, the Hawaii Admissions Act, and most importantly the Joint Resolution, because all laws that pertains to Hawaiian Home Lands,comes from the Joint Resolution.

Gentlemen,on behalf of myself and other lessee's the beneficiaries of the Act. I will demand that the Federal Government to initiate the necessary actions needed, against the State of Hawaii and its constituent agencies for the violations indicated, and the breaching of the treaty between the United States and the Kingdom of Hawaii, who is its people, the inhabitants, who is the native Hawaiians, the successors of these lands.

I believe, the State of Hawaii has breeched the treaty in accordance to my documents, now its the Federal Government's responsibility to sue the State of Hawaii, for the breech,and they have caused us untold irreparable damages for decades, causing us undue hardship, denying us our native Hawaiian and Civil rights, and depriving us of food for our tables, clothing, of life liberty and the pursuit of happiness, and yet we cannot sue the State of Hawaii, because of the treaty.

But, if the State of Hawaii is found guilty of the breeches all that was given to the United States, shall be returned back to the Kingdom of Hawaii, its people, the inhabitants, who is the native Hawaiians , the successors of these lands.

The United States will never let that happen.

I/we the lessee's are not asking for anything more nor less, of the benefits that have been denied us and that it is long overdue, in accordance to the laws indicated and I believe gentlemen, that you do cherish your ethical and moral standards, which is why you are there, to see that justice prevails, however, if warranted of course.

Gentlemen, even by this mode of communication I deem it a pleasure even under the circumstances, we are undergoing at the present, that we will meet soon under a more pleasureable atmosphere. We thank you for the kind and considerate attention on this matter. Mahalo, (thank you) from all of us,with much ALOHA

I would at this time with your permission, to request that Mr. Harold Jim and Mrs Cynthia Kaiminaauao to assist me in my testimony, if I may.
Mahalo.

In sincerety,

Edward Inn

Edward (Papa)Inn
41-186 Huli Street
Waimanalo,Oahu, Hawaii
96795

1 800 259-7607

HAWAII CONGRESSIONAL

Daniel K. Inouye	U S Senator
Spark M. Matsunaga	U S Senator
Daniel K. Akaka	U S Congressman
Patricia Saiki	U S Congresswoman

Indian Affairs, Hart Senate Building
Room S. H. 838
Washington, D. C. 20510 - 6450
July 28, 1989

Senate Select Committee
Office of Indian Affairs.

Daniel K. Inouye	Hawaii	Chairman
John McCain	Arizona	Vice Chairman
Dennis DeConcini	Arizona	
Quintin N. Burdick	North Dakota	
Thomas A. Daschle	South Dakota	
Kent Conrad	North Dakota	
Frank H. Murkowski	Alaska	
Thad Cochran	Mississipi	

Subject:

The return of the Hawaiian Homes Commission Act of 1920 as amended and all its jurisdictional powers, back to the Joint Resolution and placed under the control of the United States where it originally were, to begin with.

Chairman, Dan Inouye
Vice Chairman John McCain
Honorary members of Indian Affairs,

Aloha, greetings:

Gentle'men, in view of the violations indicated previous to this letter, there is numerous violations and wrongdoings that has been done against the native Hawaiians therefore, I find that the State of Hawaii does not have the ability, the quality, the capability and most importantly the ethical and moral standards that is extremely neccessary to conduct the affairs of the crown lands and the Hawaiian Homes Commission Act of 1920 as amended, Section 204. When one does not respect their ethical and moral values, that is when the wrongdoings starts and never ends till the day they are confronted.

I/we want all of that jurisdiction, to be returned to the Federal Government, I would think it to be fair to do so, for the very reasons based on their past and present perform-mance, that I feel, is shameful.

Senate Committee
Page 2
July 28, 1989

Based on their performance, I'm looking at whose responsibility to execute the situations when it arises. those responsibilitys comes from the Joint Resolution, and the Federal Government had the responsibility to take care of the trust lands, originally. What the Federal Government had done was they took that responsibilty from the Joint Resolution and gave it to the State and they in turn messed it up.

For the very reasons that the Federal Government had adverse properties from the Department of Hawaiian Home land which is the trust lands at Lualualei, because of the failure of this State for not being cognizant of section 5 subsection (b) of this section, where it clearly indicates, that they the State were to return anytime during the five years following the admission of Hawaii into the Union, had failed to tend to their responsibilities (capabilities?) to the trust.

I believe the State of Hawaii, being the trustee of the trust lands is liable for the loss of those lands and they must make restitution to the Department of Hawaiian Homes from their land inventory, to replace the lands lost at Lualualei through the sheer negligence of the State of Hawaii, so that the 199,999 acres and more of Hawaiian home land inventory remains intact.

So I am saying we feel that for all this very reasons of what they are doing, that the Federal Government should take these lands back and manage it as they said they would in the Joint Resolution with the Kingdom of Hawaii its people.

In the interest of the beneficiarys the native Hawaiians the safeguards of our destiny is to go back to the Joint Resolution and stay with the Joint Resolution and let the Federal Government execute these lands, so we don't have to face these conflicts that is ongoing ever since Statehood.

And it involves hundreds of thousands of acres of lands and we know you are able to make things move, so the Federal Government should take back the lands and utilize it instead of letting it stay idle, for the betterment of the inhabitants the native Hawaiians.

At this point gentlemen, I will conclude this testimony on behalf of myself and other beneficiarys, we leave this in your hands for your full consideration and your support.

Aloha and mahalo

In sincerity,

Edward Inn

Edward (Papa) Inn

41-186 Huli Street
Waimanalo, Oahu
Hawaii 96795
259-7607

July, 28, !987

7

Dear Ohana, friends, applicants and others concerned of their destiny,under the Hawaiian Homes Commission Act of 1920 as amended and the State Constitution of Hawaii.

Aloha, my name is Edward, also known as Eddie, Aloe and Papa Inn.

As you will note in this written testimony, which I will present orally,if time permits at the hearings,requesting that the Senate Select Committee to consider, that the Hawaiian Homes Commission Act and all its jurisdictional powers to be returned back and under the management of the Federal Govern-ment and the Joint Resolution, where it origially came from.

This is a supplement of the wrongdoings that the State of Hawaii and its constituent agencies, have committed against its people the native Hawaiians, the beneficiaries of the Act.

For the very reason, that it should go back to the Federal Government and the Joint Resolution, is that:

(a)	1.	The State of Hawaii is	(trustee to the trust)
	2.	The DHHL	(a constituent agency)
	3.	The DLNR	(" " ")
	4.	The Director of DHHL	(appointee of the Governor)
	5.	The Commissioners of DHHL	(" " " "

Definitly constitutes, CONFLICT of INTEREST against the native Hawaiians, the beneficiaries of the Act.

(b) For the very reasons that the:

~~he Cit~~ Director (the past) and the Commisioners had allowed the City And County and their police powers to evict native Hawaiians and their families, causing serious injuries and placed them under arrest. These major incidents happened on Hawaiian home lands, located at Nanakuli, Makapuu &Waimanalo.

The case against the native Hawaiians were tried at Kaneohe, it was thrown out. The court ruled that they dont have the authority to do so, and thats one of the things that we face.

(c) For the very reasons that:

I believe beside the above, the Hawaiians the execitive board of Hawaiian homes, the worst thing that they had done against the native Hawaiians had happened on Kauai.

The Anahola Village Park, Hawaiian home lands was sub-divided for homesteads. After it was conditionally awarded it was taken away from them. Why? because of the "public" out-cry to save the park. So the Hawaiians take it away from the native Hawaiian and give it to the "public therefore depriving the native Hawaiians of their benefits and their rights. these are the things that we face.

(d) For the very reasons that the:

executive board of Hawaiian homes were in connivance and conspiracy to do the land exchange with DLNR, so the State can have the lands developed thereby creating revenue for the State at the expense of the native Hawaiians.

After they had chopped off the head of Hawaiian home lands at Makapuu where Sea Life Park stands, they took it all the way to Kekaha, Kauai for State lands there, graveyards included, for the native hawaiians to contend with and yet they have State lands that is adjacent to Hawaiian home land in Waimanalo. Just what is the gimmick. These are the things that we face.

(e) For the very reasons that the:

executive board of Hawaiian homes gave license, to the the City and County of Honolulu, to operate the park for "public" use for free and not having the County to obtain liability insurance for their protection, for the use of Waimanalo, Kaiona, Kaupo and Makapuu beach parks. -

And yet native Hawaiians at Anahola beach park on Kauai the size of Kaiona beach were required to obtain a million dollar policy and till this day still dont have their license. These are the things that we face.

(f) For the very reasons that:

Commissioner Kalahiki at a meeting of the Hawaiian homes in Anahola quoted on record, that had he known the beach lands would be used only by native Hawaiians,he would never have approved the license to Kahea Inc. His understanding was that the lands would be used by the "public"which clearly reveals that those Hawaiians that controls the DHHL is more concerned of the "public" than the Native Hawaiians as the record shows. We dont need to face anymore of these wrongdoings and the only way we can get out of this rut, is by going back to the Federal Government and the Joint Resolution where I believe we can have a far better shake than what we have been getting under the State of Hawaii and the Dept, of Haw'n Homes.

There are numerous other wrongdoings that I wont be able to list so I will end it here. On the issues of the water, Sewerage and taxation on Hawaiian home lands, those issues will be presented to the hearings committee for judgement.

The State of Hawaii and the City and County of Honolulu as of this date, did not indicate what their position is on the matter. I personally feel that they do have problems on the issues.

In view of the testimony presented, I sincerely ask all of you to consider what I have proposed, as it is very important as it involves our and our childrens destiny under the Hawaiian Home Commission Act of 1920 as amended. Hopefully if you do share my views, we can immediately start circulating petitions to present to the Senate Select Committee by Sept ember 15, 1989.

Mahalo,

Edward Papio

41-186 Huli Street
Waimanalo, Oahu
Hawaii 96795

259-7607

To concerned, Native Hawaiians, Lessee's and applicants.
From, Edward (Papa) Inn, lessee Waimanalo Homestead.
August 7, 1989

Aloha ka kou:

Now that taxes are due on assigned lands within 7 years even though homesteaders may not be able to occupy within that time, under what and/or whose authority that the requirement that taxes be paid before the land is occupied. In furtherance by what authority real property tax is being levied on Hawaiian home lands:

(1) When it does not have the status of: "public" and/or private lands.

(2) When it does not have the status of: absolute "fee" and ownership.

No one has the authority or jurisdiction to impose tax on Hawaiian home lands, in accordance to the Joint Resolution.

In conjunction with taxation, the sewer facilities and water useage issue is at the present, at a standstill. It seems that the City and County of Honolulu have a little problem on the issues, as they have'nt responded since May 23, 1989, which hopefully, it is a good sign for all of us.

- - - - - - - - - -

Now that we have 3 Hawaiian groups vying for positions as to who will control Hawaiian home lands and its trust assets

By conducting the referendum, by suggesting to lower the blood quantum, it eliminates all 3 automatically because they have violated and attempting to violate the treaty between the United States and the Kingdom of Hawaii, its people. Therefore for the present, they are not ready to assume the responsibilities neccessary to execute the affairs of the crown lands and its trust assets and section 204 of the Hawaiian Home Comm. Act.

All in all let me say this, no matter who gets control of the subject matter, the native Hawaiians will now face the anguish, despair and conflicts that we have endured ever since statehood.

By the same token the State of Hawaii has failed in its mission to execute the affairs of the crown lands and its trust assets and failed to adhere to the intent of the Hawaiian Home Commission Act, as indicated in my testimony to the committee.

To the concerned
(Papa) Inn
August 7, 1989

Therefore, for the safeguards and the destiny of the native Hawaiians, the decendants of the race inhabiting the Hawaiian islands previous to 1778 should above all, return back to the Federal Government and the Joint Resolution,for our protection.

The Federal Government do have a commitment in the Joint Resolution with the Kingdom of Hawaii its people, that is you the native Hawaiians, that they will execute and manage the subject matter.

Therefore, the Federal Government in respect to the commitment with the Kingdom of Hawaii, in serious consideration to manage and execute the crown lands and its trust assets, because of your capabilities to utilize these lands instead of having it sit idle and going into the wrong hands.

I believe, under the management of the Federal Government we will have better opportunities, for the betterment of the inhabitants the Native Hawaiians.

This testimony, I dedicate to my guiding light and mentor Mr Harold Uhane Jim and of course his sparring partner, Janet, of Kapaa, Kauai.

Through my studies and his guidance, is where I am to-day to seek justice for our people.

Mahalo, Aloha

Edward Inn.

Edward (Papa) Inn
41-186 Huli Street
Waimanalo, Oahu
Hawaii 96795

259-7607

Note: Specimen, contained in each envelope.

Indian Affairs, Hart Senate Building
Room S. H. 838
Washington, D. C. 20510 - 6450
September 12, 1989

Daniel K. Inouye	Hawaii	Chairman
John McCain	Arizona	Vice Chairman
Dennis DeConsini	Arizona	
Quintin N. Burdick	North Dakota	
Thomas A, Daschle	South Dakota	
Kent Conrad	North Dakota	
Frank H. Murkowski	Alaska	
Thad Cochran	Mississipi	
Ben Blaz	Guam	House delegate
Eni Faleomavaega	American Samoa	House delegate

Senator Daniel K. Inouye,
Honorable members, Senate Select Committee of Indian Affairs,

Aloha:

In view of the testimony that I had presented at the hearings at Lihue, Kaua'i on August 8, 1989 and also of my recorded and documented evidence of what had transpired during the course of the issues involved with the State of Hawaii and the City and County of Honolulu, submitted to your office on September 12, 1989.

Therefore, with the assistance of the honorable committee I/we the native Hawaiians being the decendants of the race that inhabited the Hawaiian Islands previous to 1778 and we being the lessee's and beneficiaries of the Hawaiian Home Commission Act of 1920 as amended.

We request with good faith that the issues of sewerage, water and real property tax assessments be resolved immediately, based on my testimony, recorded documents and the failure of the State of Hawaii and the Hawaiian Home Commissioners, for not responding to one sinle allegations of the subject matters for over 2 years, but keeps their communication lines open to each other as the record shows.

I feel that litigation can and should be avoided with the United States, for the breach of trust, by the State of Hawaii and its constituent agencies.

I request, that a review by a representative of the honorable body be conducted, and an ensuing position statement from your office. I look forward toward your response on the subject matters.

Mahalo,

In sincerity,
Edward (Papa) Inn

Edward Inn

41-186 Huli Street
Waimanalo, Oahu
Hawaii 96795

259-7607

Paheehee Uka Community Association
P.O. Box 932
Waianae, Hawaii 96792
:
Telephone: 696-8483

July 31, 1989

The Honorable Senator Daniel K. Inouye
United States Senate
722 Hart Senate Office Building
Washington, D.C. 20510

Dear Senator Inouye,

As you are aware, the Department of Hawaiian Home Lands has applied for grant assistance from the U.S. Department of Housing and Urban Development for development of the Paheehee Road system in Lualualei, Waianae, Oahu. The reason we are anxious to see action taken is presently, we are not fortunate to enjoy the convenience of mail service, street lights, and garbage collection that other communities in the area enjoy. Until the dirt roads are paved, we will not be able to enjoy these services. The members of the Paheehee Uka Community Association are supportive of the development and ask for your continued support in our behalf.

We, thank you for your time and support.

Sincerely yours,

Earle A. Teixeira, President
Paheehee Uka Community Association

September 1, 1989

Enclosed:

Evidence of recorded documents on the issues of,

(1) Real Property Tax,
(2) Sewerage Facilities.
(3) Water.

Assessments imposed to lessee's of Hawaiian Home Lands, by the City and County of Honolulu, which results in the violation of,

(a) The Hawaiian Home Commission Act of 1920 as amended.
(b) The Hawaii Admissions Act of 1959.
(c) The Hawaiian Organic Act.
(d) The Joint Resolution.

These issues which is of grave importance, towards the welfare of the native Hawaiians, the beneficiaries of the Act, began April 6, 1987 to the present September 1,1989, as yet none of the issues have been resolved.

Believe me, it is with sincere regret, that this matter has been brought to your attention, much as I had wanted it to be resolved before then.

I believe, the members of the Office of Indian Affairs is of the highest quality, integrity and perseverance to uphold justice if due and who cherish their ethical values and moral standards as the record shows.

It is sad that we don't have those standards with the State of Hawaii and its constituent agencies,which has caused numerous pilikia, (problems).

Recorded Documents
Page 2
September 1, 1989

Therefore gentlemen, we as the inhabitants, native Hawaiians decendants of the race inhabiting the Hawaiian Islands previous to 1778 and the beneficiaries of the Hawaiian Home Commission Act, leaves the entire matter in your hands.

Mahalo,

Edward (Papa) Inn.

Edward (Papa) Inn
41-186 Huli Street
Waimanalo, Oahu
Hawaii 96795
1 800 259-7607

September 1, 1989

Enclosed:

Evidence of recorded documents on the issues of,

(1) Real Property Tax,

(2) Sewerage Facilities.

(3) Water.

Assessments imposed to lessee's of Hawaiian Home Lands,
by the City and County of Honolulu,
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It is sad that we don't have those standards with the State of Hawaii and its constituent agencies,which has caused numerous pilikia, (problems).

REAL PROPERTY TAX ASSESSMENT

May 23,1988

Linda L. Smith
Finance Director
City and County of Honolulu
530 South King street
Honolulu, Hawaii 96813

Subject Matter:
Real Property Tax Assessment
on Hawaiian Home Lands, particularly on my
T M K 1-4-1-030-040

Dear M/s Smith:

Aloha Ka Kou, My name is Edward Inn, also known as"Papa"Inn. I am a Native Hawaiian and a lessee on Hawaiian Home Lands located in Waimanalo, Oahu. I do need some assistance on some questions in relation to real property tax, on Hawaiian Home Lands, particularly on my T M K 1-4-1-030-040.
I would appreciate all information from you on the subject matter and to which I am positive that you are able to respond to my questions, by reasons that the City and County of Honolulu has been receiving my real property tax, up to the present time.Mahalo.

Question:

1. Upon what bases are real property taxes being levied on Hawaiian Home Lands?
2. Are Hawaiian Home Lands been legally assessed by the State of Hawaii or the City and County of Honolulu?
3. Since Hawaiian Home Lands is not alienable, I feel that real property tax, does not apply on T M K 1-4-1-030-040, because, there is no market value, which is whatreal property tax is all about, MARKET VALUE.Don't you agree M/s Smith? I'm sure you do.

This is all the questions that I have for you at the present time, and would you enlighten me on the justification of real property tax that reflex on my T M K 1-4-1-030-040.
I would appreciate an early response on the subject matter and wish to thank you for sharing your time on this issue.

Sincerely,

Edward Inn
Edward (Papa) Inn

41-186 Huli Street
Waimanalo, Hawaii 96795
Ph. 259-7607

May 27, 1988

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CITY & COUNTY
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Linda L. Smith
Finance Director
City and County of Honolulu
530 South King Street
Honolulu, Hawaii 96813

Subject matter:
Real Property Tax Assessment, on Hawaiian Home Lands, particularly, on my T M K 1-4-1-030-040.

Dear M/s Smith:

Aloha Ka Kou,

As the Financial Director for the City and County of Honolulu, which also oversees the Real Property Assessment Division for the City and County of Honolulu. Your office has,and did, in fact, stepped outside the scope of your authority, by inflicting City and County Ordinances over Section 207 of the Hawaiian Homes Commission Act of 1920 as amended.

1. The Revised Ordinances of Honolulu, has absolutely no jurisdiction over Hawaiian Home lands used for the purpose of the Hawaiian Homes Commission Act of 1920, as amended, under section 207 (a) and 208.

1. See opinion of Corporation Council of the County of Hawaii dated January 3, 1972. Comm. No. 1723.
2. See opinion of Attorney General No. 72-21 dated October 2. 1972.

In 1972, the Department of Attorney General of the State of Hawaii and the Office of Corporation Counsil issued seperate opinions,which concluded that the Counties nor the State had the power to zone Hawaiian Home lands in use by the beneficiaries.
The opinions of both Offices concluded that a review of pertinant provisions of the Hawaiian Homes Commission Act, justified their decision.

M/s Smith, in view of the facts as stated above, the City and County of Honolulu, is in direct violation of the Hawaiian Homes Commission Act of 1920, as amended:

May 27, 1988

1. Violation of Section 208 (5) (6) (7)

   Which does not give authority to tax "available lands" to the City and County of Honolulu, except to the Hawaiian Homes Commission. Further, after considerable research, find that "available lands" have never been legally assesed by the State of Hawaii nor the City and County of Honolulu, because Section 206, Hawaiian Homes Commission Act States: "The power and duties of the Governor, the Commissioner of public Lands, and the Board of Public Lands, in respect to lands of the State, shall not extend to lands having the status of Hawaiian Home Lands.

2. Violation of the Hawaii Admissions Act of 1959:Section 4

   It clearly states:

   All proceeds and income derived from "available lands" as defined by the Hawaiian Homes Commission Act shall be used only in compliance of the provisions of said Act and not to be funnelled into the City's coffers to be used by the public at large

3. Further, the City and County of Honolulu, by illegally assessing real property tax on "available lands"occupied by the beneficiariesof the Hawaiian Homes Commission Act of 1920, being absolutely aware that Hawaiian Home Lands has no MARKET VALUE,THEREFORE,IT CANNOT BE SOLD IN THE OPEN MARKET, continues to bleed we, the beneficiaries to take money from myself and other Native Hawaiians causing us undue hardship, depriving us from food for our tables, clothing and also of life, liberty, property and pursuit of happiness.

4. Further, and most importantly, I firmly believe, that the State of Hawaii and its constituent agencies, has, did and continueing, the violation of Section 4 and 5f of the Hawaii Admissions Act of 1959, and for collusion with the Department of Hawaiian Home Lands (a State agency) The Hawaiian Homes Commissioners, the Hawaiian Homes Director, for allowing the real property tax assessment on Hawaiian Home Lands, against the Rights, of Native Hawaiians beneficiaries of the Hawaiian Home Commission Act of 1920.

5. I pray, you will understand the gravity and seriousness of the subject matter, and to immediately abstain from this ongoing illegal assessment of real property tax on "available lands"Hawaiian Home Lands, imposed by the City and County of Honolulu's City Ordinance.

May 27, 1988

6. Further, please be AWARE of the Following:

42 USC 1985, (3)

In any case of conspiracy set forth in this section, if one or more persons engaged herein do, or cause to be done, any act in furtherance of the object of such conspiracy, whereby another is injured in his person or property, or deprived of having and exercising any right or privilege of a citizen of the United States, the party so injured or deprived may have an action for the recovery of damages, occasioned by such injury or deprivation, against any one or more of the conspirators. (Civil Law)

Further,

241 Conspiracy against Rights of Citizens

It two or more persons conspire to injure, oppress, threaten, or intimidate any citizenin the free exercise or enjoyment of any right or privilege secured to him by the Constitution or laws of the United States or because of his having so exercized the same; or

if two or more persons go in disguise on the highway, or on the premises of another, with intent to prevent or hinder his free exercise or enjoyment of any right or privilege so secured--

They shall be fined not more than $10,000 or imprisoned not more than ten years, or both; and if death results, they shall be subject to imprisonment for any term of years or for life. June 25, 1948, c. 645, 62 Stat. 696; Apr. 11, 1968, Pub. L. 90-284, Title 1, 103(a), 82 Stat. 75

242. Deprivation of rights under color of law

Whoever,under ~~under~~ color of law, statute, ordinance, regulation, or custom, willfully subjects any inhabitant of any State, territory, or District to the deprivation of any rights, privileges, or immunities secured or protected by the Constitution or laws of the United States, or to different punishments, pains, or penalties, on account of such inhabitant being an alien, or by reasons of his color, or race, than are prescribed for the punishment of citizens, shall be fined not more $1,000 or imprisoned not more than one year or both; and if death results shall be subject to imprisonment for any number of years or for life.

June 25, 1948, c. 645, 62 Stat. 696; Apr. 11, 1968, Pub. L. 90-284, Title 1, 103 (b), 82 Stat. 75

Congress posses the power to wipe it out (absolute immunity). I think that the conclusion is irresistible that Congress by enacting the Civil Rights Act subjudice intended to abrogate the privilege to the extent indicated by that Act and in fact did so, Section 1 of the third Civil Rights Act explicitly applied to, "Any Person". I can imagine no broader definition. The Statute must be deemed to include, members of the State, the Judiciary of the several States ..... but the policy involved is for Congress, and not for the Courts to be addressed
Littleton v. Berbler, 468, F. 2d. 389 (1972)
I would like to include with this letter, that may or may not assist you in rendering your decision, of course depending on the discretion used.

On or about April 21, 1987 as recorded, the City and County of Honolulu, did and in fact claim ownership, to the Sewer System Project on Hawaiian Home Lands, and also informing lessees to comply with the Revised Ordinance of Honolulu, for the connection requirement to the sewer system.

On or about April 29, 1987 as recorded, I hand delivered to the Office of the Department of Public Works, informing them that they do not have the authority let alone the jurisdiction on Hawaiian Home Lands in use by the beneficiaries.

On or about September 16, 1987 as recorded, the City and County of Honolulu, did in fact disclaim ownership of the Sewer System Project On Hawaiian Home Lands, and the matter has been turned back to the Department of Hawaiian Home Lands, to be resolved, by its true and original owners. I feel the City and County of Honolulu is in fact saying indirectly, no authority nor jurisdiction on "available lands" Hawaiian Home Lands, in use by the beneficiaries of the Hawaiian Home Act of 1920, as amended.

M/s Smith, I'm sure you may be able to obtain the transcript of what transpired on the subject matter from the Department of the Corporation Council, City and County of Honolulu.

The decision that you render, involves thousands of Native Hawaiians, lessees on Hawaiian Home Lands and at the latest count over 16,000 applicants on the waiting list and more to come, rely on a just decision from the City and County of Honolulu, which is Rightfully and Justifiably Theirs.

Further, Linda, forgive me for addressing you as such,because always, every time I type your name, I feel a closeness that I really can"t explain, and you may, of course address me as "Papa Inn" Mahalo.

Further, I do underststand that this practice of assessing real property tax on "available lands" is not unique on this island of Oahu, as I am aware that all other Counties in the State of Hawaii, do assess "available lands' within their respective jurisdiction, but allow me to say this, in due time, they also will be addressed on this issue.

May 27, 1988

By amendment to the Constitution of the State of Hawaii in 1978 (Article Vlll), Section 3, the power to tax all real property in the State of Hawaii, was transferred and vested in the respective Counties, and I do say, the State of Hawaii, did and in fact violate the Hawaiian Home Commission Act of 1920 as amended by Imposing, real property tax on "available lands" Hawaiian Home Lands prior to the amendment of (Article Vlll) Section 3.

In conclusion, if the subject matter are not being able to be resolved by the City and County of Honolulu, and I don't visualize any reason why itcan't be, considering the flagrant, intentional violation of the Hawaiian Home Commission Act of 1920, as amended.

Then, it is with sincere regret, that I am being forced to proceed, to uphold the intent, of the Hawaiian Home Commission Act of 1920 as amended, and file criminal charges against the Federal Government, for allowing the State of Hawaii and its constituent agencies, to violate Sections 4 and 5f of the Hawaii Admissions Act of 1959.

I also will seek assistance of the President of the United States, Congress, the Attorney General Of the United States the Secretary of the Interior and the Department of Justice to aid myself and other Native Hawaiians in filing a Breach of Trust, committed against the Hawaiian Home Commission Act of 1920, as amended under

CIVIL RIGHTS ACTIONS,
Title 18 U S C A 241, 242, Title 42 U S C S 1983,1985 1988

By virtue of this communication:

I waive none of my Rights, reserve all of my Rights, and demand all of my Rights, at all times as a Native Hawaiian, a beneficiary of the Hawaiian Home Commission Act of 1920, and a Citizen of the United States.

Mahalo

Sincerely,

Edward Inn
Edward (Papa) Inn

EI/
xc: Honorable, Governor John Waihee lll
Honorable, Mayor Frank F.Fasi
Finance Director Linda L. Smith
Director,of Hawaiian Home Commission Ilima A. Piianaia
Hawaiian Home Commissioners .
Department of Hawaiian Home Lands.
City council Members

DEPARTMENT OF FINANCE
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII 96813

FRANK F. FASI
MAYOR

LINDA L. SMITH
DIRECTOR

[illegible]
DEPUTY DIRECTOR

June 2, 1988

Mr. Edward (Papa) Inn
41-186 Huli Street
Waimanalo, Hawaii 96795

Dear Mr. Inn:

Aloha. We have received your inquiry of May 23, 1988, about the legality and basis of our assessment of Hawaiian Home Lands (HHL) residential property. The assessment of real property for the island of Oahu is a function of the City and County and is governed by the Revised Ordinances of Honolulu (ROH), Chapter 8, Real Property Tax. Section 8-10.17(1) exempts all real property belonging to the State of Hawaii and the various counties. But, if such property is leased to private persons, the section allows for the taxation of the property to such persons on its fee simple value with the following provision:

> Whenever a lease is such that the highest and best use cannot be made of the property by the lessee, the measure of the tax imposed on such property...shall be its fee simple value upon consideration of the highest and best use which can be made of the property by the lessee. (Sec. 8-10.17(1), ROH)

In addition, the Hawaiian Homes Commission Act, Sec. 208 (7) and (8), states:

> (7) The lessee shall pay all taxes assessed upon the tract and improvements thereon. The department may pay such taxes and have a lien therefor as provided by sec. 216 of this act.
>
> (8) The lessee shall perform such other conditions, not in conflict with any provision of this Act, as the department may stipulate in the lease; provided that an original lessee shall be exempt from all taxes for the first seven years from date of lease.

As cited, the real property tax ordinance provides for the legal assessment of HHL residential properties based on highest and best use of the land. In your case, highest and best use is residential and, therefore, the value of your property is based on the market value of comparable residential properties.

Currently, in assessing Hawaiian Home lands the Real Property Assessment Division does recognize the lease restrictions affecting the individual residential properties and a discount of 25 percent is made on the value of the land. However, since the building is owned by the lessee (meaning yourself), no discount is warranted for the structure.

We hope this satisfies your inquiry on the assessment of your property on Hawaiian Home lands. If you have any further questions or need additional information concerning the assessment of your property, feel free to contact the Real Property Assessment Division at 527-5514.

Cordially,

Linda L. Smith

LINDA L. SMITH
Director of Finance

LLS:po

June 13, 1988

Linda L. Smith
Director Of Finance
City and County of Honolulu
530 South King Street
Honolulu, Hawaii 96813

Subject Matter:
Real Property Tax Assessment , on
Hawaiian Home Lands, TMK 1-4-030-040
Edward K.L.Inn

Dear M/s Smith:

Aloha Ka Kou, I am in reciept of your letter and response, dated June 2, 1988, concerning the subject matter.
Mahalo for being so prompt,I appreciate it.

As I have stipulated in my letter to you dated May 27, 1988 I still maintain my position, that the Revised Ordinance of Honolulu (ROH) of the City and County of Honolulu, does not have the authority nor the jurisdiction on Hawaiian Home Lands used for the purpose of the Hawaiian Home Commission Act of of 1920 as amended, under Section 207 (a) and 208.

Note: (In your (ROH) Section 8-10. 17 (1) It states; But, if such property(Hawaiian Home Lands)is leased to private persons, the Section allows for the taxation of the property to such persons on its fee simple value.)

At this point, I would like to stress that we are Native Hawaiians, lessees on Hawaiian Home Lands, are Special private persons, because of having the status of BENEFICIARIES AND under the protection of the Hawaiian Home Commission Act.

In your reference to the Hawaiian Home Commission Act, Section 208 (7) and 208 (8) I would like to cite an error on your part and should be corrected.
Section 208 (7) should read 208 (6)
Section 208 (8) should read 208 (7)

As indicated in my letter to you dated May 27, 1988

1. Violation of Section 208 (5) (6) (7)

   Which does not give authority to tax "available lands" to the City and County of Honolulu.

I did attempt to shorten the details, on the above section ~~being~~ being that it is very lengthy, my apology, I should have known better.

> SECTION 208 (5) (48 USCA 702) OF THE HAWAIIAN HOMES COMMISSION ACT OF 1920, STATES:
>
> The lessee shall not in any manner trdsfer to,or pledge mortgage, or otherwise hold for the benefit of, any other person or group of persons or organizations of any kind, except a Native Hawaiian or Hawaiians,and then only upon the approval of the department, or agree so to transfer, mortgage, pledge or otherwise hold, his interest in the tract. Such interest shall not, except in pursuance of such a transfer, mortgage or pledge to or holding for or agreement with a Native Hawaiian or Hawaiians approved by the department, or for any indebtedness DUE the DEPARTMENT or for TAXES, or for any indebtedness, the PAYMENT of which has benn ASSURED by the DEPARTMENT, be subject to attatchment, LEVY, or SALE upon court process. The lessee shall not sublet his interest in the tract or improvements thereon. Emphasis added)
>
> Section 208 (6) (48 USCA 702) STATES:
>
> The lessee shall pay all TAXES ASSESSED ppon theTRACT and IMPROVEMENTS THEREON. THE DEPARTMENT MAY IN ITS DISCRETION, PAY SUCH TAXES and have a LIEN therefore as provided by section 216 of this Act."(Emphasis added)
>
> SECTION 207 (7) (48 USCA 702) States:
>
> The lessee shall perform such other conditions, not in CONFLICT with any PROVISION OF THIS TITLE, as the department may stipulate in the lease: provided, however, that an original lessee shall be exemt from all taxes for the first seven years from date of issue. (Emhasis added)

SECTION 207 (b) (48 USCA 701) STATES:

> "The title to lands so leased shall remain In the (STATE). Applications for tracts shall be made to and granted by the DEPARTMENT UNDER SUCH REGULATIONS, NOT IN CONFLICT WITH ANY PROVISIONS OF THIS TITLE, AS the department may describe. The department shall, whenever tracts are available, enter into such a lease with any applicant who, in the opinion of the department is qualified to perform the conditions of the lease. (Emphasis added)

As indicated in my letter to your office, dated May 27, 1988:

> SECTION 208 (5) (6) (7) of the Hawaiian Homes Commission Act of 1920 in no way, gives the authority to tax "available lands" to the City and County of Honolulu or anyone else, except to the Hawaiian Homes Commissioners.
>
> SECTION 207 (b) of the HHCA of 1920, does say the title to lands "available lands" shall remain in the State. However, it does not give authority or jurisdiction over the lands to the State of Hawaii, (See: Office of Inspector General Audit Report, September, 1982)
> The authority on the tracts of lands is strictly under the control of the Hawaiian Homes Commissioners and the Secretary of Interior and the President of the United States.

"Available lands" have never been legally assessed by the State of Hawaii or the City and County of Honolulu, because Section 206, Hawaiian Homes Commission Act of 1920 states: "the power and duties of the Governor, the Commissioner of public lands, and the board of public lands, in respect to lands of the State, shall not extend to lands having the status of

HAWAIIAN HOMES LANDS.

(No matter how equitable a tax may be, it is void unless legally assessed. Bouvier's Law Dictionary Vol. 11, 1897) (Emphasis added)

Its obvious, in my opinion, that this ongoing taxation on "available lands" Hawaiian Home Lands, as the above paragraph clearly reveals. UNLAWFUL.

As stated in my previous letter to your office dated May 27, 1988,page 2 Sec. 5

> (I pray, you will understand the gravity and seriousness of the subject matter, and to immediately abstain from this ongoing illegal assessment of real property tax on "available lands" Hawaiian Home Lands, imposed by the City and County's, Revised Ordinance of Honolulu,(ROH).

THE CONSTITUTION OF THE STATE OF HAWAII CLEARLY SHOWS

(1) Article Xll - Hawaiian Affairs, Section 1

Anything in the State Constitution to the contrary not withstanding the Hawaiian Homes Commission Act of 1920 enacted by Congress.

Article Vll - Taxation and Finance, Sections 1 - 13

Article Vlll - Local Government, Sections 1 - 6

Section 3 - The taxing power shall be reserved to the State, except so much thereof as may be delegated by the legislature delegated to the political subdivision, and except that all functions, powers and duties relating to the taxation of real property shall be exercized exclusively by the Counties, with the exception of the County of Kalawao. The legislature shall have the power to apportion state revenues among the several political subdivisions.

Section 6 - This article shall not limit the power of the legislature to enact laws of statewide concern.

(Sections 1 and 6 Is in conflict with the Hawaiian Homes Commission Act of 1920 as amended, enacted by Congress; Article Xll, Section 1, "anything in this constitution to the contrary notwithstanding the Hawaiian Homes Commission Act, 1920 enacted by the Congress) (Emphasis added)

(2) The 48 USCA, 562, Legislature and Legislative Powers: Notes of Decision, par. 12, TAXATION:

> " a territory cannot tax an instrumentality of the United States, without the consent of Congress,and this section extending legislative power of the Territory to all rightful subjects of legislation not inconsistent with the Constitution and Laws of the United States locally applicable did not give such consent.

Section 4 OF ARTICLE Xll OF THE STATE CONSTITUTION EXCLUDES "AVAILABLE LANDS FROM OTHERS UPON WHICH THE TRUST IS IMPOSED BY THE STATEHOOD ACT, SO THAT"AVAILABLE LANDS" COULD NOT BE USED TO BENEFIT THE REMAINDER OF THE HAWAII PUBLIC.

Question: How can the City and County's Real Property Assessment Division, "assess" "fix the value of", "make a valuation and appraisal of property" that cannot be sold in the open market and has no market value. What bases are any taxes being levied? Is it the dollar a year lease? How is the equity of the land being determined?

Apparently, it seems that the County Ordinances do not have jurisdiction on Hawaiian Home Lands.

As indicated in my letter to you, dated May 27,1988, page 2 Sec.2

2. Violation of the Hawaii Admissions Act of 1959, Sec. 4

It clearly States:

All proceeds and income derived from "available lands" as defined by the Hawaiian Homes Commission Act ~~shall~~ shall be used only in compliance of the provisions of said Act and not to be funelled into the City's coffers and to be used by the public at large.

NOTE: SECTION 4 OF ARTICLE X11 OF THE STATE CONSTITUTION EXCLUDES " AVAILABLE LANDS " FROM OTHERS UPON WHICH THE TRUST IS IMPOSED BY THE STATEHOOD ACT, SO THAT " AVAILABLE LANDS " COULD NOT BE USED TO BENEFIT THE REMAINDER OF THE HAWAII PUBLIC.

May I repeat once more, that the decision the City and County of Honolulu renders, of course yourself and others concerned, we humbly solicit your support to correct the subject matter as it is decades overdue, involves thousands of Native Hawaiians, lessees and beneficiaries of the Hawaiian Home Commission Act of 1920, and over 16,000 on the applicant list, our keiki's our moopuna's and most importantly our blessed UNBORN.

I feel, in view of the transcripts presented to you and your staff and also the City Counsel who assists you on matters such as this, the rendering of a just decision is in order, in favor of we the Native Hawaiians Beneficiaries of the Hawaiian Homes Commission Act, as amemded. Based on the transcripts delivered to you.

I do realize that you had hoped that I would be satisfied with the response you had rendered to me, sincerely, I wish it did, it just did'nt show the justification, to tax " available lands "Hawaiian Home Lands. Just show me evidence / and/or proof depicting that the Authorization and Jurisdiction is in your department, to allow you to tax " available lands ' then its over, simple as that.

In Conclusion:

If the subject matter are not being able to be resolved by the City and County of Honolulu, and I don't visualize any reason why it can't be, based on the transcript presented to you which is lawful facts of the Hawaiian Home Commission Act of 1920 as amended. and also of the flagrant intentional violation of the Act.
Then it is with sincere regret, that I must proceed, to uphold the intent of the Hawaiian Home Commission Act of 1920 as amended, and file criminal charges against the Federal Government, for allowing the State of Hawaii and its constituent agencies, to violate Sections 4 and 5f of the Hawaii Admissions Act of 1959.

I also will seek the assistance of the President of the United States, Congress, the Attorney General Of the United States, the Secretary of the Interior and the Department of Justice to aid myself and other Native Hawaiians in filing a Breach of Trust, committed against the Hawaiian Home Commission Act of 1920 as amended under,

CIVIL RIGHTS ACTIONS

Title 18 U S C A 241, 242, Title 42 U S C S 1983 1985 1988

Note: Incidentally, I do have transcripts relating to the subject matter, but did not include it in this present correspondence I feel the transcripts presented at this time is sufficient to justify the rendering of a just decision, but just in the event that the matter are not being able to be resolved, then I will use it to commence on what we would call the"paper game" right? Oh, I just love it, the "paper game"especially when the Hawaiian Home Commission Act is involved.

By virtue of this communication:

I waive none of my Rights, reserve all of my Rights and demand all all of my Rights, at all times as a Native Hawaiian a Beneficiary of the Hawaiian Home Commission Act of 1920 as amended, and a Citizen of the United States. Mahalo

EPI

xc: Honorable, Governor John Waihee 111
Honorable, Mayor Frank F. Fasi
City Council Members
Director Of Finance Linda L. Smith
Director, Hawaiian Home Commission Ilima A. Piianaia

In Sincerety,

Edward Inn

Edward (Papa) Inn

41-186 Huli Street
Waimanalo, Hawaii 96795

DEPARTMENT OF FINANCE
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII 96813

FRANK F. FASI
MAYOR

LINDA L. SMITH
DIRECTOR

GEMINIANO D. ARRE, JR.
DEPUTY DIRECTOR

June 20, 1988

Mr. Edward (Papa) Inn
41-186 Huli Street
Waimanalo, Hawaii 96795

Dear Mr. Inn:

I received your letters of May 27 and June 13 regarding assessments of real property taxes on Hawaiian Home Lands. You have raised a number of issues that are legal in nature. As a result, I am forwarding a copy of both of these letters to the City's Corporation Counsel for their review and advice.

I appreciate your concern regarding these issues and want to assure you that the City will make every effort to ensure that we are proceeding with assessing these properties in the appropriate fashion.

Cordially,

Linda L Smith

LINDA L. SMITH
Director of Finance

LLS:jf

cc: Ms. Ilima A. Piianaia, Chairman
Hawaiian Homes Commission
Treasury Division

DEPARTMENT OF FINANCE
CITY AND COUNTY OF HONOLULU
HONOLULU HAWAII 96813

FRANK F. FASI
MAYOR

LINDA L. SMITH
DIRECTOR

GEMINIANO D. ARRE JR
DEPUTY DIRECTOR

September 12, 1988

Mr. Edward Inn
41-186 Huli Street
Waimanalo, Hawaii 96795

Dear Mr. Inn:

I have received advice from the City Corporation Counsel regarding your inquiry as to whether it is legal for the City and County of Honolulu to assess real property taxes on Hawaiian Home Lands.

The Hawaiian Homes Commission Act (hereinafter referred to as the "Act") was passed in 1921 and has been described as a plan for the rehabilitation of the Hawaiian people. See H.R. Rep. No. 839, 66th Cong., 2d Sess. 4 (1920). Under the plan, land owned by the federal government was to be leased to native Hawaiians[1] at nominal cost to the lessee. There was no provision in the original Act or in any subsequent amendments that would suggest that Congress intended that the leased land not be subject to state taxation. Instead, it was Congress' intent to assist the Hawaiian Home Lands lessee in his rehabilitation by exempting him from all taxes only for the first seven years from the date of the lease. See Hawaiian Homes Commission Act, 1920, ch. 42, 42 Stat. 108 (1921).

---

[1] Native Hawaiians are defined under the Act as "any descendant of not less than one-half part of the blood of the races inhabiting the Hawaiian Islands previous to 1778." Hawaiian Homes Commission Act § 201 (1920).

The original language of the Act stated:

> That the interest of the lessee shall not, except in pursuance of a transfer, mortgage, or pledge to or holding for or agreement with a native Hawaiian approved of by the Commission, be subject to attachment, levy or sale upon court process. Act of July 9, 1921, ch. 42, 42 Stat. 108 (1921).

With regard to taxes, the original Act passed by Congress said that:

> [T]he lessee shall pay all taxes assessed upon the tract and improvements thereon within sixty days after they become delinquent. If the lessee fails so to pay, the commission shall thereupon pay the taxes and have a lien therefore as provided in Sec. 216 of this title. Id.

In 1937, Congress passed the first amendments to the Act which included changing the language of the above sections. An Act: to amend the Hawaiian Homes Commission Act, 1920, Pub. L. No. 200, 50 Stat. 497, 504 (1937). The new language read:

> Such interest shall not, except in pursuance of such a transfer, mortgage, or pledge to or holding for or agreement with a Native Hawaiian or Hawaiians approved of by the Commission, or for any indebtedness due the Commission or for taxes, or for any other indebtedness, the payment of which has been assured by the Commission, be subject to attachment, levy, or sale upon court process. Id. at Sec. 208(6).

The amendments caused the next section to read as follows:

> The lessee shall pay all taxes assessed upon the tract and improvements thereon. The commission may in its discretion pay such taxes and have a lien thereon as provided by section 219 of this act. Id. at 208(6).

Congress also changed the language exempting the land from taxes for the seven-year period following the lease. The exemption now was for "the original lessee" instead of simply "the lessee." Id. Clearly, Congress' intent in passing these amendments was to limit, to the original lessee, the seven-year exemption for taxes and to provide that the territory be able to assess and collect taxes on the Hawaiian Home Lands. As Congress itself stated, "Amendments to Sec. 208 provide the method of handling liens on leases made by the Commission and authorize the Commission to advance taxes due by the homesteaders." S. Rep. No. 778, 75th Cong., 1st Sess. 1-2 (1937).

Furthermore, in providing for the payment by Hawaiian Home Lands lessees of all taxes upon the tract, "Congress obviously followed the law applicable to homestead leases." Matter of Ainoa, 60 Haw. 487, 491, 591 P.2d 607, 610 (1979). At the time of the enactment of the Act, the relevant statute read: "Taxable as fee. Land held . . . under a homestead lease, shall be liable to taxation as estates held in fee." Id. at 491-92, 591 P.2d at 610 (quoting R.L.H. 1915, § 410). Congress intended for Hawaiian Home Lands to be liable for taxes in the same manner as privately-owned land.

Hawaii's legislature has promulgated comprehensive rules covering real estate taxation in the state. Although the statutes do exclude certain types of real estate from taxation, Hawaiian Home Lands are not among those exempt from tax assessment. Instead, Hawaiian Home Lands constitute public property which, when leased to individuals, is made subject to real property taxes. Hawaii Revised Statutes (HRS) § 246-36 (1985). The legislature also provided a method for the collection of delinquent real property taxes. The law declares that every tax due upon real property shall be a paramount lien upon the property assessed. Id. at HRS § 246-55.

It should be clear from the above language that both the federal and the state legislatures intended to subject Hawaiian Home Lands to real property taxation under the same rules as estates held in fee.

In addition, we note that the City's assessments of all Hawaiian Home Lands reflect a discount to reflect the fact that there are restrictions on the sale of the leases. The City's Real Property Assessment Office would be happy to further explain the method of assessment of Hawaiian Home Lands with you.

Finally, it must be remembered that real property taxes are not imposed simply as a penalty for leasing or owning land on Oahu. The real property taxes are the source and substance of the many programs and benefits that all the people of Hawaii including native Hawaiians, such as police protection, the fire department, sewers, streets and rubbish removal.

Thank you for the opportunity to explain this matter further.

Cordially,

LINDA L. SMITH
Director

LLS:dm

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January 27, 1989

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HONOLULU HAWAII

RECEIVED
DIRECTOR OF FINANCE
JAN 27 10 43 AM '89
CITY & COUNTY OF HONOLULU

JAN 27 11 24 AM '89

Linda L. Smith
Director, Department of Finance
City and County of Honolulu
530 South King Street
Honolulu, Hawaii 96813

Subject matter:
Real Property Tax Assessment on Hawaiian Home Lands, TMK 1-4-030-040, Edward K.L.Inn, Lessee.

Dear M/s Smith:

Mahalo, for your response to my letter dated June 13, 1988 also this letter is a follow-up, and for your knowledge in reference to you' letter dated September 12, 1988. The primary concern addressed in yourSeptember 12, 1988 memorandum appears to be the assessment of real property for the island of Oahu, is a function of the City and County and is governed by the Revised Ordinances of Honolulu, Chapter 8 Real Property Tax. Section 8-10.17(1) exemts all real property belonging to the State of Hawaii and its various Counties. In 1978 (1983 Edition) Chapter 8, Real Property Taxes Section 8-10.17, Public Property, Ect., Section 8-10.18, leases of Exempt Real Property, (1) (B), Article 11, Determination of Rates Section Real Property Tax, Determination of Rates (B).

Section 8-10.17, Public Property, Etc., has been accorded that appears to be unusual treatment by both the Legislature and the edifiers, so that its status is obscure. Confusion arises because of Section 171-2, Definition of Public Lands, Hawaii Revise Statues, the State of Hawaii Constitution and the Admissions Act.

Those changes have the effect of permitting the placing of ENCUMBRANCES on Hawaiian Home Lands, under Hawaii's general land management laws and administration of said Act, and as such they may run afoul of the provision of Section 4 of the Admissions Act concerning ENCUMBRANCES which "shall not be increased except with the consent of the United States."

The State of Hawaii did in fact, entered into a compact with the United States concerning the management an disposition of Hawaiian Home lands. In the compact, the State of Hawaii agreed to adopt the Hawaiian Home Commission Act as part of its constitution.

Note: The governors office, hand-delivered time stamped, is on the back of this page.

Linda L. Smith
Page 2
January ~~25~~ 27, 1989.

The Hawaii Admission Act provides that the Hawaiian Home Commission Act could be amended or repealed only with the consent of the United States but for certain exeptions. Certain provisions relating to Administration and certain provision relating to powers and duties of officers other than those charged with the administration of the Act, could be amended by the State by constitutional amendment or in the manner required for state legislation. However, the Admission Act specifically provided that encumbrances to be placed on Hawaiian Home Lands by officers other than those charged with the administrtion of the Act would not be increased without the consent of the United States.

Question:

Does the City and County of Honolulu have the right to manage and amend the encumbrance on the Hawaiian Home Commission Act of 1920?

Wherefore, the City and County of Honolulu to date has not provided me , as a lessee on Hawaiian Home Land, the necessary documents that authorizes them to increase the encumbrances on Hawaiian Home land, TMK 1-4-030-040, with the consent of the United States.

I, being a corpus of the trust, demand that the City and and County of Honolulu cease from tresspassing unto Hawaiian Home land, TMK 1-4-030-040 by assessing real property taxes to said land.

I demand all of my rights at all times and I waive none of my rights and respectfully await your response at your convenience.

Mahalo, Sincerely,

Edward K. L. Inn
Edward K. L. Inn
Lessee of TMK 1-4-030-040
Waimanalo Hawaiian Homestead.

Governor	John Waihee
Mayor	Frank F. Fasi
Attorney General	Warren Price
City Council Ch.	Arnold Morgado
H.H.C. Director	Ilima Piianaia

EKLI/cmk

DEPARTMENT OF FINANCE
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII 96813

FRANK F. FASI
MAYOR

LINDA L. SMITH
DIRECTOR

GLEN S. NONAKA
DEPUTY DIRECTOR

February 13, 1989

Mr. Edward Inn
41-186 Huli Street
Waimanalo, Hawaii 96795

Dear Mr. Inn:

Thank you for your letter of January 27, 1989 to Linda L. Smith regarding the assessment of taxes on Hawaiian Home Lands.

I have reviewed your earlier letters to Ms. Smith on the subject matter and previous responses to you, including her letter dated September 12, 1988, responding to legal issues you raised regarding the assessment of real property taxes on Hawaiian Home Lands.

In my view it is clear that both federal and state legislatures intended to subject Hawaiian Home Lands to real property taxation. I firmly believe that real property tax assessments against your property are in compliance with all applicable laws and are not in violation of your rights.

Thank you for expressing your views on this matter.

Cordially,

GLEN S. NONAKA
Acting Director of Finance

GSN:sm

February 21,1989

RECEIVED
DIRECTOR OF FINANCE
FEB 21 2 00 PM '89
CITY & COUNTY OF HONOLULU
REFER TO ____

Mr Glen S.Nonaka
Acting Director of Finance
City and County of Honolulu
530 South King Street
Honolulu, Hawaii 96813

Subject matter:
Real property tax assessment on Hawaiian Home Lands
T M K 1-4-030-040 Edward K.L.Inn lessee.

Dear Mr. Nonaka

Mahalo for your response to my letter dated February 13,1989 on the issue of real property taxation on Hawaiian Home Lands.

In view of your position and opinions on the subject matter, that both federal and state legislatures intended to subject Hawaiian Home Lands to real property taxation. And that you firmly believe that real property tax assessments against my property are in compliance with all applicable laws and are not in violation of my rights.

Sir, I disagree:

The 48 USCA, 562, Legislature and Legislative Powers:

Notes of decision, par. 12, Taxation:

> " a territory cannot tax an instrumentality of the United States, without the consent of Congress, and this section extending legislative power of the territory to all rightful subjects of legislation not inconsistent with the constitution and laws of the United States locally applicable, did not give such consent".

Further, I firmly believe that the City and County of Honolulu is in violation of the provision of section 4 of the Hawaii Admission Act Concerning ENCUMBRANCES which,

> "shall not be increased except with the consent of the United States".

Therefore, I still maintain my position that under the Hawaiian Home Commission Act of 1920 and a lessee and a beneficiary of said Act I firmly believe, my rights is being violated.

Also, you did not address my question, of course probably an oversight. I repeat:

> Does the City and County of Honolulu have the right to manage and amend the encumbrance on the Hawaiian Home Commission Act of 1920?

Your response to this question will be appreciated.

February 21,1989

By virtue of this communication, I sincerely appreciate your time spent on the subject matter, and to hope that this problem can be resolved soon.

I waive none of my rights, reserve all of my rights and demand all of my rights, at all times as a Native Hawaiian and a beneficiary of the Hawaiian Home Commission Act of 1920 as amended and a citizen of the United States.

Mahalo,

Sincerely,

Edward K.L. Inn
Edward K.L.Inn

EKLI

DEPARTMENT OF FINANCE
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII 96813

FRANK F. FASI
MAYOR

LINDA L. SMITH
DIRECTOR

GLEN S. NONAKA
DEPUTY DIRECTOR

March 3, 1989

Mr. Edward Inn
41-186 Huli Street
Waimanalo, Hawaii 96795

Dear Mr. Inn:

Subject: Real Property Tax Assessment on Hawaiian Home Lands

Thank you for your letter of February 21, 1989. I apologize if my response to you did not clearly answer the question you raised with regard to the City's authority to tax Hawaiian Home Lands.

As I indicated in my letter, the City's Corporation Counsel has researched the legal issues and has opined that the City has not violated the rights of Hawaiian Home Land lessees with respect to the assessment of real property taxes.

While we obviously have differing viewpoints on the matter, I certainly admire your conviction to your beliefs. Thank you for communicating your concerns.

Cordially,

GLEN S. NONAKA
Deputy Director of Finance

GSN:li

March 13,1989

Mr Glenn S.Nonaka
Deputy Director of Finance
City and County of Honolulu
530 South King Street
Honolulu, Hawaii 96813

Subject:
Real Property Tax Assessment on Hawaiian Home lands,TMK 1-4-030-040 Edward K,L,Inn lessee.

Dear Mr Nonaka:

Aloha, and mahalo for your response on March 3,1989. It really was,nt necessary for the apology but I do appreciate the thought mahalo.

You did cite that the City's Corporation Cousel did research on the legal issue and has opined that the City has not violated the rights of Hawaiian Home Lands lessees with respect to the assessment of real property taxes

Sir, I disagree,as indicated in your September 12, 1988 letter that Hawaiian Home Lands constitute public property which, when leased to individuals, is made subject to to real property taxes. Available,Hawaiian Home Lands is not public property therefore the City's real property tax laws does not apply on Hawaiian Home Lands because:

> Since July 9, 1921 a division of two categories of lands is in effect
> "available lands" and "public lands"
> The Hawaiian Organic Act oversees the public lands which is where I believe your tax laws apply.
> The Hawaiian Home Commission oversees the available lands, which is where the Commissioners has the authority and jurisdiction to tax,and no one else.

As I indicated in my letter dated January 27,1989, Section 8-10-17 Public Property, ect., has been accorded that appears to be unusual treatment by both the legislature and the edifiers, so that its status is obscure. Confusion arises because of Section 171-2, under the Joint Resolution.

Those changes have the effect of permitting the placingof Encumbrances on Hawaiian Home Lands,under Hawaii"s general land management laws and administration of said Act,and as suchthey may run afoul of the provision of Section 4 of the Admissions Act concerning ENCUMBRANCES which"shall not be increasedexcept with the consent of the " United States."

JOINT RESOLUTION

To provide for Annexing the Hawaiian Islands to
the United States.

171-2 Definition of public lands:

> "Public lands"means all lands or interest therein in the State classed as government or crown lands previous to August 15, 1895, or acquired or reserved by the government upon or subsequent to that date by purchase, exchange, escheat, or the exercise of the right of eminent domain, or in any other manner; including submerged lands, and lands beneath tidal waters which are suitable for reclamation, together with reclaimed lands which have been given the status of public lands under this chapter, EXCEPT:
>
> (1) Lands designated in section 203 of the Hawaiian Homes Commission Act, 1920 as amended.
>
> (2) Lands to which the United States relinquished the absolute fee and ownership under section 91 of the Hawaiian Organic Act prior to the admission of Hawaii as a state of the United States unless subsequently placed under the control of the board of land and natural resources and given the status of public lands in accordance with the State Constitution, the Hawaiian Homes Commission Act 1920 as amended or other laws.

The powers and duties of the governor, the commissioner of public lands, and the board of public lands, in respect to lands of the State, shall not extend to lands having the status of Hawaiian Home Lands.

The City and County have made a grave error, by applying public land status of taxation on to TMK 1-4-030-040 which has the status of "available lands" Hawaiian Home Lands.

The City and County of Honolulu is in direct violation of Sections 4 and 5 (f) of the Hawaii Admissions Act of 1959.It clearly states:

> "All proceeds and income derived from "available lands" as defined by the Hawaiian Homes Commission Act shall be used only in compliance of the provisions of the Hawaiian Homes Commission Act.

Note: SECTION 4 OF ARTICLE X11 OF THE STATE CONSTITUTION EXCLUDES "AVAILABLE LANDS FROM OTHERS UPON WHICH THE TRUST IS IMPOSED BY THE STATEHOOD ACT, SO THAT "AVAILABLE LANDS COULD NOT BE USED TO BENEFIT THE REMAINDER OF THE HAWAII PUBLIC.

The provision of Section 4 of the Hawaii Admissions Act of 1959, concerning ENCUMBRANCES which shall not be increased except with the consent of the UNITED STATES.

Mr Nonaka, in view of the above, Federal/State violations of the Hawaii Admissions Act 1959 Sections 4 and 5 (f) I do hope that the decision that you render on the matter, will be positive in the interest to all concerned. In the event that from your point of view of the above violations, of course with the advise of the Corporation Counsel that you do render a negative decision, thats fine with me, by all means it certainly is your prerogative. I will then file a letter of complaint to the Attorney General, the Governor and the Department of Interior, on the violations.

Incidentally, there will be a Senate Select Committee on Indian Affairs to conduct hearings in May, as Senator Inouye implied that he wanted to see that the Federal government and the State of Hawaii have both adhered to the trust responsibility and carried it out in the proper way.

I would think that it would be an opportune time to present this problem to the panel to be addressed. I feel that there is a possibility that they just may have the solution to solve this problem, that will save us a lot of grief. Yes, I think it would be a fantastic idea, will you agree, Mr Nonaka?

By the way Mr Nonaka you still did not answer my question,
The first time well I felt it was an oversight
The second time, you are being evasive to the question, all along.
Being persistent, I'll try again.

Question:

> Does the City and County of Honolulu have the right to manage and amend the Encubrance on the Hawaiian Home Commission Act of 1920 as amended?

Mahalo, Sincerely

Edward K.L.Inn

April 21, 1989

Mr Theodore G. S. Jung
Director of Finance
City and County of Honolulu
530 South King Street
Honolulu, Hawaii 96813

Subject matter:

Real Property Tax Assessment on Hawaiian Home Lands, TMK 1-4-030-040 Edward K.L.Inn,lessee.

Dear Mr Jung:

Aloha, congratulations on your appointment as Director of Finance, and I wish you God-speed.

Sir, I presume that you have familiarized yourself on the real property tax issue, that has been imposed on my property Hawaiian Home Lands by the Real Property Tax Assessment Division, which is under your Department's jurisdiction.

At this point in time, your department has not responded to my letter dated March 13, 1989 exactly 5 weeks to the day.

I had hoped that your Department at least should have the courtesy to respond to my letter, at a reasonable length of time, to state your position on the matter, so I may be able to proceed in doing what must be done.

Sir: I have never in my corresspondence with your department, request or demand any specified time to respond, and I don't intend to start now. Matter of fact, I deem it as a pleasure to be in contact with your department, considering this problem.

Mr Jung, this being the first and probably the last letter directly to you, to me it has been a pleasure, mahalo. At this point in time I would appreciate a response on the subject matter at your convenience, mahalo.

By virtue of this communication,
I waive none of my rights, reserve all of my rights
and demand all of my rights, at all times as a
Native Hawaiian and a beneficiary of the Hawaiian
Homes Commission Act of 1920 as amended and a
citizen of the United States.

Sincerely,

Edward(Papa) Inn

Happy Anniversary
May 23, 1988 - May 23 1989

Mr Theodore G. S. Jung
Director of Finance
City and County of Honolulu
530 South King Street
Honolulu, Hawaii 96813

Subject: Real Property Tax Assesment on TMK
1-4-1-030-040 Edward Inn, lessee
Waimanalo, Hawaiian Home Lands.

Dear Mr Jung, Aloha:

As of this date May 23, 1989 I have not recieved any response on the subject matter, dated March 13, 1989. I do realize that it is definitly a problematic issue that the County has encountered, therefore, I believe is the reason for the delay in your response, which of course is valid.

I would at this point, to retract a statement that that I had made, if I may, dated March 13, 1989 " that I will file a letter of complaint to the Attorney General and the Governor" which should read " letter of complaint to the Federal Government " which I believe is within their jurisdiction, to hear the complaint, my apology, mahalo.

Sir, as I indicated in my previous letters to your department, which oversees the Real Property Tax Division that had commenced in May 23, 1988 to May 23, 1989, citing most of the necessary information for you to comprehend, and to see if you do or do not have the authority to impose Real Property Tax on Hawaiian Home Lands, and also I did indicate the violations pertaining to the issue in my letters to you

THE CONSTITUTION OF THE HAWAII ADMISSIONS ACT JULY,1959.
Violations:

Section 4	of the Hawaii Admission Act
Section 5(f)	" " " " "
Sections 1-2-3	" Article 12 Hawaiian Affairs
Section 171.2	" " Joint Resolution
Section 91	" " Hawaiian Organic Act

When you accepted the responsibilities of the amendment to the Constitution of the State of Hawaii in 1978 (Article V111 Section 3) that was transferred and vested exclusively to the City and County of Honolulu by the State of Hawaii in 1978, you had intentionally allowed Article V111 Section 3 to be applied to Hawaiian Home Land, which is a violation of Section 171.2 of the Joint Resolution and Section 91 of the Hawaiian Organic Act, which results in the imposition of taxation on Hawaiian Home Lands which is a violation of Section 4 of the Hawaiian Home Commission Act.

What the State did was they gave you the County to handle it, they gave you the encumbrance of those lands and you the County had altered and amended the encumbrance. The legislation had no authority to give the encumbrance unless, authorized by the United States

As Section 4 states, if you are going to alter or amend the encumbrance you would need the consent of the United States, which was"nt done. That makes this County and this State in violation of Section 4. Under Section 5 (f) that income which is the tax it goes into the public trust, for public use, native Hawaiians dont benefit from it therefore, it is a violation of Section 5 (f) of the Hawaii Admissions Act.

That money is supposed to go to the native Hawaiian trust fund as it so states in Article 12 Section 1 that the money diverted from those lands is to go directly for the benefit of the inhabitants of those lands and nowhere else.

In Section 2, of Article 12 it states, that it made a compact with the inhabitants. that all income will go directly into the trust for the benefit of the inhabitants, and that they will uphold the treaty which they have failed to do.

Thats the problem with the income, that income violates Section 5 (f) because the Hawaiian Homes was incorporated into Section 5 (f) the public lands was also incorporated into the 5 (f) prior to that it was separate, now its together which's the 5 (f)

What I am driving at, at the present is the encumbrance on those 5(f) lands and the public lands. Thats the problem everyone is running to to the Hawaiian Homes about the taxes and they"ll say you're supposed to be taxed, which I know they are wrong, but I'm not arguing about the tax , the question is, that, that money supposed to be taxed and in turn, is supposed to go into the trust fund and diverted for the native Hawaiians, the beneficiaries of the Act.

That is not being done, because the money in the County goes into a special trust fund for the public and the one that is supposed to manage and operate that money under Section 4 states, that the only one allowed is the Department of Hawaiian Homes and no one else. But the way it is it is the County Council who is operating the money

The HHCA does not allow the City Council to handle the funds, it only allows the Commissioners to handle it. Sir, all of these things about the amendments and that you are allowed to tax Hawaiian Home Lands is irrevelant to this issue. What you are doing is altering and amending the encumbrance, which is a direct violation of Section 4 and Section 5 (f).

The County is in violation of the Hawaii Admission Act of 1959 and is a statutory law, that they must uphold Section 4 and Section 5 (f). By all means, do not refer me to the Attorney General, the Governor or the Legislature because I'm not paying them the taxes, I'm paying you thats the bottom line.

I am informing the Federal Government that I'm letting you know that you are wrong by your actions and is in violation of Section 4 and Section 5 (f). I am telling you what you are doing to me, I'm paying you nobody else you're telling me you have the rights to tax me and other beneficiaries, I have letters directly from you that says you have the rights and that Congress implied that you have that rights, I have letters from you to that effect You told me to pay you the tax nobody else,and yet it is 1 year to the day, that you have'nt proven to me that you have the authority to tax Hawaiian Home Lands, you can't.

What I am telling you is my rights under Section 4 and Section 5(f) of the Hawaii Admissions Act. On the Constitution of this State, under Article 12 Section 3 tells me that you are going to uphold the Constitution and the treaty between the Federal Government. You, you're the public and I'm telling you that you are violating the Constitution, you're taking my money and putting it in for for public use and not for the inhabitants, the beneficiary of the Act, as you said you would do, you people said that when they drew up the Constitution, nobody else.

And now I will inform the Federal Government that you are not keeping your word on Article 12 Section 3 and that you people in the present administration of this County and your predecessors and others, even native Hawaiians, they know who I'm referring to, in my opinion are like leeches, that have been preying on the blood of the inhabitants, the beneficiaries of the HHCA for the past 30 years and a pack of liars.

Mr T.G.S.Jung
Page 4
May23, 1989

Which means that to you:

The Constitution of the Hawaii Admissions Act of 1959

The Hawaiian Home Commission Act of 1920 as amended

The Hawaiian Organic Act of 1915

and the Joint Resolution,

are just mere words and phrases and is'nt worth the paper it is printed on, is'nt it so?
That I must say is a direct insult to the integrity of the Joint Resolution that was created, to provide for:

ANNEXING THE HAWAIIAN ISLANDS TO THE UNITED STATES.

Since I did'nt receive any response on my letter to you dated March 13, 1989 to the present, May 23, 1989 and I dont have any indication of what your position is on the subject matter therefore, you have 10 days to respond to this letter effective May 23. 1989. If no reply is forthcoming within the specified days, then it releases me, to initiate the necessary proceedings, to resolve the subject matter.

I will then demand that the Federal Goverment to take action against the State and the City and County of Honolulu to resolve this unnecessary and ridiculous problem, that has been hanging on the native Hawaiians for decades.

My native Hawaiian rights, is being abused and violated My civil rights, as a citizen of the United States is being abused and violated.

I will file a letter of complaint to the Civil Rights Commission, under the Civil Rights Act of the United States.

Note: Refer to page 3 and 4 dated May 27, 1988, The Civil Rights Act.

I believe, that you have breached all of the violations in this letter, including the special management laws and most importantly, the treaty between the United States and the Kingdom of Hawaii, who is its people, the inhabitants who is the native Hawaiians who is the successors of these lands as indicated in the Joint Resolution.

At this point in time, I will close this letter and I await for your reply.

By virtue of this communication:
I waive none of my rights, reserve all of my rights and demand all of my rights, at all times as a native Hawaiian a beneficiary of the Hawaiian Home Commission Act of 1920, as amended and a citizen of the United States.

Mahalo,

Edward Inn
Edward (Papa) Inn

State of Hawaii

City and County of Honolulu

Governor	John Waihee
Mayor	Frank F.Fasi
Director of Finance	Theodore G.S,Jung
Director of Hawaiian Homes	Ilima A.Piianaia
Chairman City Council	Arnold Morgado

Office of Indian Affairs

Senate Select Committee

Daniel K. Inouye (Chairman)	Hawaii
Dennis DeConcini	Arizona
Quentin N.Burdick	North Dakota
Thomas A.Daschle	South Dakota
Kent Conrad	North Dakota
Frank H.Murkowski	Alaska
John McCain	Arizona
Thad Cochran	Mississipi

Hawaii Congressional

Daniel K. Inouye	Senator
Spark M.Matsunaga	Senator
Daniel K. Akaka	Congressman
Patricia Saiki	Congresswoman

Edward Inn

Edward(Papa)Inn

SEWERAGE FACLITIES ASSESSMENT

April 6, 1987

Dept of Hawn. Home Lands

[illegible]

City and County of Honolulu
Department of Public Works
Wastewater Management Division
650 South King Street
Honolulu, Hi. 96813

Dear Mr. Alfred Thiede:

I am a lessee, on Hawaiian Home Lands, situated in Waimanalo, Oahu. I had recently received a letter from the office, of the Dept. Of Hawaiian Home Lands, informing me, that the Waimanalo sewer main has been constructed and the lateral has been installed. Therefore, the City and County will require, that the individual lessee, to connect to the sewer main line, and also to fill the cesspool.

I do need some clarifications, on certain questions, that I have in mind, in regards to the above.

No Response

1. As the City and County requires of me to connect to the sewer system, why have'nt your office corresponded directly, with me in regards, to this matter, rather than through the Dept. of Hawaiian Home Lands, being that it is a County matter.
2. Do I have any options, as listed below:
   a. To connect to the sewer system, at the present?
   b. To connect to the sewer system, in the future, if, and when, needed?
   c. Or, If I may, to continue to use my cesspool, which is in perfect working order. Further, having checked the water level late last year, it was over 10 feet to the water level, from the opening, after nearly 15 years of service. I really don't see any justification, to connect to the sewer system.
3. No compensation, for the cesspool?
4. Finally, why, do I have to use the sewer system?

I await your immediate and timely response, on this matter, so I will be able to proceed, using what alternatives, that I have, if any. Thank You.

Sincerely,

Edward K. L. Inn

Edward K. L. Inn

41-186 Huli St.
259-7607

APR [illegible] 87

April 20, 1987

No Response

Ilima A. Piianaia, Chairman
Hawaiian Homes Commissioners
State of Hawaii
Department of Hawaiian Home Lands
P.O. Box 1879
Honolulu, Hawaii 96805

Dear Ilima and members of the Commission:

I the under-signed, a lessee on Hawaiian Home Lands in Waimanalo under Section 207(a) of the Hawaiian Homes Commission Act of 1920, did receive on or about March 14, 1987 a letter from you on the matter of the Waimanalo Sewer Connection. My apologies for this delayed response to your letter.

The City and County of Honolulu's method of inflicting their ordinances on me and other Native Hawaiians in Waimanalo as beneficiaries of the HHCA of 1920 and as lessee's on Hawaiian Home Lands in Waimanalo under Section 207(a), and further, by using the Department of Hawaiian Home Lands to conspire against us by helping to enforce their County Ordinance on myself and other Lessees in this community, is as far as we are concerned, null and void and absolutely ILLEGAL. We Lessees are under the jurisdiction of Hawaiian Home Lands [HHCA, Sec. 207(a)] which differs from Public Lands, based on the Amending of the Hawaii Organic Act in 1921.

U.S.C.A. Title 48 Clearly states that the Hawaiian Homes Commission is the Authority of the HHCA of 1920.

HHCA,1920 Section 206, further states that "The powers and Duties of the Governor, the Commissioner of Public Lands, the Board of Public Lands, in respect to the lands of the State, shall not extend to lands having the status of Hawaiian Home Lands.

The Congressional intent was, and still is, to create a class of lands separate and distinct from other Public Lands, to be utilized for the Rehabilitation of the Native Hawaiian and to vest control over the use of such lands in the Commission, and not in any other governmental agency.

The City and County of Honolulu, by enforcing their City Ordinance on Hawaiian Hom Lands LESSEES under Section 207(a) is in direct violation of The Hawaii Admissions Act of 1959, Sec. 4 and 5f and the Constitution of the State of Hawaii, Article XII, Sec. 1,2 & 3. I firmly believe that the City and County of

Honolulu has made an error in enforcing County Ordinances on Hawaiian Homes Lessees under section 207(a) of the HHCA, 1920, or the Department of Hawaiian Home Lands, the Hawaiian Homes Commission and the State of Hawaii is in Conspiracy with the City and county of Honolulu against we Native Hawaiian Lessees under Section 207(a) of the Hawaiian Homes Commission Act of 1920 in Waimanalo.

An important question comes to mind that I would like answered by each of the Hawaiian Homes Commissioners individually:

QUESTION: As a Native Hawaiian Lessee of Hawaiian Home Lands in Waimanalo under Section 207(a) of the HHCA of 1920, do I have to hook-up to the City and County of Honolulu's sewer system as directed by the City and County of Honolulu under County Ordinances?

A no answer would definitely provoke a challenge, probably constitute the need for litigation with a definite injunction on the Waimanalo Sewer System Project on Hawaiian Home Lands that might prove regrettable.

However, to protect our rights as beneficiaries, we must proceed and do what must be done to correct the situation. As Native Hawaiians we must sue the United States for failure to fulfill its trust duties under the Admission Act and HHCA under the principle set forth in Joint Tribal Council of the Passamaquoddy Tribe vs. Morton, 528 F.2d 370 (1st Cir. 1975).

Attached is a copy of my correspondence mailed to the City and County of Honolulu, Department of Public Works, Director Alfred Thiede. The letter was mailed on April 6, 1987 and as you can see contained four(4) simple questions. To date, 14 days have lasped, and with the large staff and a battery of counselors, Mr. Thiede has still not responded. Maybe you and the members of the Commission can answer those questions for me.

Mahalo Ilima and members of the Hawaiian Homes Commission for your time spent on this matter and I look forward and would appreciate an early response.

By virtue of this communication, I waive none of my Native Hawaiian Rights, I reserve all of my Rights as a Native Hawaiian and a Natural born inhabitant of the State of Hawaii, and I demand all of my Constitutional Rights at all times.

Aloha & Mahalo!

Edward Inn

Edward Inn, Member & Supporter
Kahea, Inc.
Uhane-Kahea

cc; HHC

DEPT OF HAWA[illegible]
HOME [illegible]
MAY 11 1 52 [illegible] '87

DEPARTMENT OF PUBLIC WORKS
CITY AND COUNTY OF HONOLULU
650 SOUTH KING STREET
HONOLULU HAWAII 96813

FRANK F. FASI
MAYOR

ALFRED J. THIEDE
DIRECTOR AND CHIEF ENGINEER

WPR 87-35

April 21, 1987

Mr. Edward K.L. Inn
41-186 Huli Street
Waimanalo, Hawaii 96795

Dear Mr. Inn:

Subject: Your April 6, 1987 Letter Regarding Sewer Connection Requirements for Waimanalo Residence Lots

The following responses are provided to the questions raised in your letter:

1. The Revised Ordinances of Honolulu (ROH) stipulates that every lot that has sanitary facilities requiring sewage disposal which is accessible to a public sewer and is not connected shall be connected to the public sewer within ninety (90) days after the owner or person legally responsible has been notified to do so. With the completion of the City's Makapuu Interceptor Project in late 1985, portions of the Waimanalo Residence Lots became accessible to the municipal sewer system, and the City addressed its connection requirement to the Department of Hawaiian Home Lands (DHHL). At that time, DHHL advised us that according to the lease terms, the individual lessees were responsible to complete the sewer connection. However, at the request of DHHL, the City agreed to postpone its connection notification to allow DHHL time to put together a connection package (low-interest loans, group rates, etc.) for the lessees. We understand that such a package has already been presented and that the connections are presently being undertaken. At some point in the future, any lot which fails to connect under the DHHL program will be notified directly by the City to do so.

2. As stated earlier, the ROH requires you to connect your property to the municipal sewer system provided it is accessible and you have been notified to do so, regardless of whether or not your cesspool is functioning properly.

NOTE: (The above letter in part, does indicate that the City and County, do in fact owns the sever system.)

Edward (Papa) Inn

3. There will be no compensation to you from the City for your cesspool.

4. The ultimate goal of our Department is to have all lots connect to the sewer system where it is available. This is to prevent possible contamination of our groundwater supply and of our environment.

If there are any further questions, please call the Division of Wastewater Management's Public Service Section at 527-6095.

Very truly yours,

ALFRED J. THIEDE
Director and Chief Engineer

DEPT. OF HAWAIIAN HOME LANDS
MAY 11 1 52 PM '87

April 29, 198

Mr. Alfred J. Thiede
Director and Chief Engineer
Department of Public Works
City and County of Honolulu
650 South King Street
Honolulu, Hawaii 96813

RECEIVED
DEPT. OF PUBLIC WORKS
MAY 11 9 18 AM '87
TO:

Dear Mr. Thiede:

RE: RESPONSE TO YOUR APRIL 21, 1987 LETTER REGARDING SEWER CONNECTION REQUIREMENTS FOR WAIMANALO HAWAIIAN HOMESTEAD LOTS

I strongly disagree with the responses you provided me to the questions I raised in my letter dated April 6, 1987, and feel that as the Director and Chief Engineer, Department of Public Works, City and County of Honolulu, you have stepped outside the scope of your authority by placing City and County Ordinances over Section 207 of the Hawaiian Homes Commission Act of 1920, as amended.

1. The Revised Ordinances of Honolulu (ROH) that you quote has absolutely no jurisdiction over Hawaiian Home Lands used for the purpose of the Hawaiian Homes Commission Act of 1920, as amended, under Section 207(a) and 208.

> In 1972, the Department of Attorney General of the State of Hawaii and the Office of Corporation Counsel of the County of Hawaii issued separate opinions which concluded that the counties had no power to zone Hawaiian Home Lands in use by the beneficiaries. The opinion of the Office of Attorney General concluded that a review of pertinent provisions of the Hawaiian Homes Commission Act showed that:
>
> > (The Congressional intent was to create a class of lands separate and distinct from other public lands, to be utilized for the rehabilitation of the Hawaiians and to vest control over the use of such lands in the Commission and not in any other governmental agency. [Sections 204, 205, 206, 207, 208, and 209 of the Hawaiian Homes Commission Act]) 1/

1/See Attorney General Opinion No. 72-21 dated Oct.2,1972.

> The Office of Hawaii County Corporation Counsel issued an opinion which reached similar conclusions. That opinion conceded that available lands which were leased to Native Hawaiians for use and occupancy

under the terms of the Hawaiian Homes Commission Act were not subject to zoning restrictions of the County, but also determined that other Hawaiian Home Lands which were leased to the general public by the Department of Land and Natural Resources pursuant to Chapter 171, H.R.S. were to be used in conformity with applicable county zoning laws.2/

Further, The Hawaii Admissions Act of 1959 specifically provided that encumbrances other than those charged with the administration of the Act would not be increased without consent of the United States. The Admission Act also provided that amendments to increase the benefits to lessees of Hawaiian Home Lands might be made by Constitutional amendment or the manner required for state legislation.3/

In this Conclusion, The Terms of the Hawaii Admission Act appear to allow no State Law to further encumber Hawaiian Home Lands unless the encumber was authorized by the Hawaiian Homes Commission Act at Statehood or unless Congress approved an amendment to the Hawaiian Homes Commission Act. The United States has approved no post-statehood amendments and thus any present authority of any other state or county agencies to place land use restrictions on Hawaiian Home Lands must be found in the Hawaiian Homes Commission Act itself.

The Act specifically states how and where the State and or Counties Jurisdiction and responsibilites are. Section 220.[Development projects; appropriations by legislature; bond issued by legislature.](states in part that) The department is authorized directly to undertake and carry on general water and other development projects in respect to Hawaiian Home Lands and to undertake other activities having to do with the economic and social welfare of the Homesteaders, including the authority to derive revenue from the sale, to others than homesteaders of water and other products of such projects or activities, or from the enjoyment thereof by others than homesteaders, where such

2/See Opinion of Corporation Counsel of the County of Hawaii dated January 3, 1972. Comm. No. 1723.1

3/See Section 4 of the Admission Act, an act to provide for the Admission of the State of Hawaii into the Union. (Act of March 18, 1959, Pub. L. 86-3, Stat. 4.). For a more detailed discussion of the Amendment and Congressional consent requirements, see the background Paper on Amendments to the Hawaiian Homes Commission Act.

sale of products or enjoyment of projects or activities by others does not interfere with the proper performance of the duties of the department: provided however, that roads through or over Hawaiian home lands, other than Federal-aid highways and roads, shall be maintained by the County or City and county in which said particular road or roads to be maintained are located. The legislature is authorized to appropriate out of the treasury of the State such sums as it deems necessary to augment the Hawaiian Home-loan Fund, the Hawaiian Home-Development Fund, the Hawaiian Home-operating Fund, and the Hawaiian Home-Administration Account, and to provide the department with funds sufficient to execute and carry on such projects and activities. The legislature is further authorized to issue bonds to the extent required to yield the amount of any sums so appropriated for the payment of which, if issued for revenue producing improvements, the department shall provide, as set forth in section 213(d).

There is no mention of the Revised Ordinances of Honolulu to be found anywhere in the Hawaiian Homes Commission Act. Not only does the City and County have no jurisdiction over Hawaiian Home Lands used for the purpose of the Act, you have overstepped your authority and personally trespassed unto the Hawaiian Homes Commission Act of 1920.

If as you stated, the Department of Hawaiian Home Lands included in their lease terms that the individual lessees were responsible to complete the sewer connection, than the DHHL has provided leases to Native Hawaiian Beneficiaries that are in direct conflict with the Hawaiian Homes Commission Act of 1920, and they shall be held liable for their own actions..

I am holding you personally responsible unless corrective actions are taken immediately on this matter. Failure to do so leaves me no other choice but to file criminal charges against the Federal Government for allowing the State of Hawaii and its Constituent agencies to violate sections 4 and 5f of the Hawaii Admissions Act, and for collusion with the Department of Hawaiian Home Lands against the Rights of Native Hawaiian Beneficiaries of the Hawaiian Homes Act of 1920.

If you have any questions, please write to me at 41-186 Huli Street, Waimanalo, Hawaii 96795.

Sincerely submitted,

Mr. Edward K.L. Inn

MR. EDWARD K.L. INN

cc: Ilima A. Piianaia
    Hawaiian Homes Commissioners

DEPARTMENT OF PUBLIC WORKS
CITY AND COUNTY OF HONOLULU
650 SOUTH KING STREET
HONOLULU, HAWAII 96813

FRANK F. FASI
MAYOR

ALFRED J. THIEDE
DIRECTOR AND CHIEF ENGINEER

June 10, 1987 WPH 87-11

Mr. Edward K.L. Inn
41-186 Huli Street
Waimanalo, Hawaii 96795

Dear Mr. Inn:

Subject: Sewer Connection Requirement for Waimanalo Residence Lots

This is to acknowledge receipt of your April 29, 1987 letter and to advise you that the matter has been referred to our Department of Corporation Counsel for an opinion. In addition, we have asked the Department of Hawaiian Home Lands to comment on your letter. When the requested opinion and comments are received, we will decide on a course of action and inform you of our decision. In the interim, we will defer any action in the matter.

If there are any questions, please call the Division of Wastewater Management's Public Service Section at 527-6095 or write me at 650 S. King Street, Honolulu, Hawaii 96813.

Very truly yours,

for Sam Callejo
ALFRED J. THIEDE
Director and Chief Engineer

June 10, 1987

DEPT. OF HAWAIIAN
HOME LANDS

JUN 10 11 05 AM '87

Ilima A Piianaia, Chairman
Hawaiian Homes Commissioners
State of Hawaii
Department of Hawaiian Home Lands
P.O. Box 1879
Honolulu, Hawaii 96805

Dear Ilima and Members of the Commission:

I, the Under-signed, a Lessee on Hawaiian Home Lands in Waimanalo, Oahu and other Native-Hawaiian beneficiaries, under section 207(a) of the Hawaiian Homes Commission Act of 1920, did on the 20th day of April 1987 hand delivered to you, in the presence of your Deputy Attorney General, Mr. George Kaeo, did graciously accept my letter of complaint on the matter of the Waimanalo sewer connection and its jurisdictional issue.

It has been over 50 days since my letter was delivered to you and the Commissioners for your adjudication and I have yet to receive a response from your office. In fairness to you and the Hawaiian Home Commissioners, you will have a total of 62 days ending on June 22, 1987, in which I feel is ample time to respond to the aforementioned situation on behalf of the beneficiaries of the Hawaiian Home Commission Act of 1920

Clearly, my jurisdictional question can be simply adjudicated. This is obviously not a constitutional question.... Furthermore, I have not raised any constitutional issues. The Hawaiian Home Commission Act of 1920 is positive law, which is Federal Law. One cannot blend positive law with legislative law. I sincerely hope that you are not implying that the County of Honolulu can impose their own County law relative to the Hawaiian Home Lands in direct contradiction and assume supercedence of the Federal Law.

On the 23rd day of June 1987, if no response is received, believe me, it is with sincere regret that on behalf of myself and other beneficiaries of the Hawaiian Home Commission Act of 1920, I will file criminal charges against the Federal Government for allowing the State of Hawaii and its constituent agencies to violate section 4 and 5(f) of the Hawaii Admissions Act, and for collusion with the Department of Hawaiian Home Lands against the rights of Native Hawaiians, beneficiaries of the Hawaiian Home Commission Act of 1920.

By virtue of this communication, I waive none of my Native Hawaiian Rights, I reserve all of my Rights as a Native Hawaiian and a Natural born inhabitant of the State of Hawaii, and I demand all of my Constitutional Rights at all times.

Sincerely submitted:
Edward Inn
Edward Inn, Member & Supporter
Kahea, Inc.
Uhane-Kahea

CC; HHC

DEPARTMENT OF PUBLIC WORKS
CITY AND COUNTY OF HONOLULU
650 SOUTH KING STREET
HONOLULU, HAWAII 96813

FRANK F. FASI
MAYOR

ALFRED J. THIEDE
DIRECTOR AND CHIEF ENGINEER

September 16, 1987

WPH 87-18

Mr. Edward K.L. Inn
41-186 Huli Street
Waimanalo, Hawaii 96795

Dear Mr. Inn:

Subject: Your April 29, 1987 Letter Regarding The Sewer Connection Requirement for Waimanalo Residence Lots

In reference to our June 10, 1987 interim reply to your subject letter, this is to advise you that we have completed our review of the subject matter and have concluded that since the City does not own the sewer lines to which the property connections are to be made, the City will not be directing any of the Waimanalo Residence Lots lessees to comply with the connection requirement of the Revised Ordinances of Honolulu. The requiring of the individual properties to be connected to the available sewer lines will be left to the Department of Hawaiian Home Lands to resolve. Consequently, all questions related to this matter should be directed to their office.

If there are any questions, please feel free to write me at 650 South King Street, Honolulu, Hawaii 96813.

Very truly yours,

for Sam Callejo
ALFRED J. THIEDE
Director and Chief Engineer

cc: Department of Hawaiian Home Lands

~~June~~ Sept. 30, 1988

Native Hawaiians Lessees on
Hawaiian Home Lands, Statewide

Subject: The Sewer Connection Requirements for
Waimanalo Residence Lots

Dear Ohana, Friends Lessees:

My sincere apology, for the delay on the status of the subject matter. I will come to the point.

1. On April 21, 1987 a letter I recieved from the Department of Public Works, under its Director and Chief Engineer Alfred J. Thiede, did in fact use the terms, Public Sewer, City's Makapuu Interceptor Project and Municipal Sewer System which directly saying that they do own the Sewer System, therefore we are required to comply to the City's Ordinances.

2. On April 29, 1987 I informed Mr. Thiede that the Revised Ordinances of Honolulu (ROH) that he quoted has absolutely no authority or jurisdiction over Hawaiian Home Lands used for the purpose of the Hawaiian Homes Commission Act of 1920, as amended, under section 207 (a) and 208

3. On Septemer 16, 1987 I did in fact recieve from the Dept. of Public Works, stating that since they don't own the sewer lines to which the property connections are to be made, the City will not be directing any of the Waimanalo Residents Lots lessees to comply with the coennection requirements of the Revised Ordinances of Honolulu. The matter has been turned back to the Department of Hawaiian Homes to be resolved.

4. I were in a state of shock, when the City disclaimed ownership to the sewer system, and to learn that the Department of Hawaiian Home Land is the actual owners of the sewer system. That project costing over two million dollars, could have very well placed over 50 families, who is on the waiting list for years can add more years to it, it is sad, very sad.

5. I believe, the Department of Hawaiian Home Lands a (State Agency) and the City and County of Honolulu,were in CONSPIRACY, to proceed on this illegal project, all for the sake of revenue, which flows into the City's coffers and to top it off, to be used by the general public, at the expense of we, the beneficiaries of the Hawaiian Homes Commission Act. Also, the revenue that goes to the City, is absolutely illegal:

(The Hawaii Admissions Act of 1959, Sec. 4

Clearly States:

All proceeds and income derived from

Native Hawaiians
Sept, 20, 1988
Page 2

"available lands" Hawaiian Home Lands, as defined by the Hawaiian Homes Commission Act, shall be used only in compliance of the provisions of said Act.

6. So, if you do have problems with your cesspool, there's always the "honey wagon" or get a licenced powder man, have him use 1 blasting cap lower it tied to a piece of rock to the bottom, set it off that should solve the problem. To those of you that dont want to hook-up to the system, you do not have to comply to the City and County's requirements.

At this point in time, I am pursueing the Real Property Tax Assesment on Hawaiian Home Lands. The subject matter has been in progress since May 27, 1988.
I am in an ongoing correspondencewith the City and County's Director of Finance Linda L. Smith, who oversees the Real Property Tax Assesment Division. At this point in time the outlook of the subject matter, looks promising.

So lets hope for the best, so that this ongoing illegal taxation that has been bestowed on us, causing undue hardship, depriving us from food for our table, clothing and also of life, liberty, property and pursuit of happiness.

I believe, as indicated in section 5 above warrants a Civil Rights Action against the State of Hawaii and its constituent agencies for CONSPIRACY FOR ALLOWING the Real Property Tax assessment on Hawaiian Home Lands, against the Rights of Native Hawaiians lessees and beneficiaries , of the Hawaiian Homes Commission Act of 1920, as amended.

At this point in time, I will close and will inform you on the subject matter as it progresses. Mahalo.

Note: Incidentallythose people at the Department of Hawaiian Home who is supposedly representingwe the Native Hawaiians on the sewer system issue, failed to assist us when we needed them by not responding to any of my letters, but kept their communication line open to the City. Well anyway, maybe we are second class citizens, without any Rights, or maybe they hila-hila paha, for spending all that money on the sewer system, instead of building homes for our people, so for whatever reasons that they failed to respond to my letters, they shall be held accountable for their actions.

Aloha,
Edward (Papa) Inn

41-186 Huli Street
Waimanalo, Hi. 96795
259-7607

November 19,1987

To: Hawaiian Homes Commission

Subject: Sewer connection requirement for Waimanalo fesidence lots on Hawaiian Home Lands.

In reference to the letter that was carbon copied to you from the Department of Public Works,City and County of Honolulu, dated September 16, 1987, I would like to pose some specific questions that when answered will provide definite directives to all lessees in the Waimanalo residence lots.

(1) Does the City and County Ordinances have jurisdiction over Waimanaloresidence lots on Hawaiian Home Lands?

(2) Is the ownership of the sewer lines in Waimanalo under the Department of Hawaiian Home Lands?

No Response

What is the Department's plan and procedures for requiring individual properties in the Waimanalo residence lots to be connected to the available sewer line?

(4) Will it be a requirement or a choice?

I would like at this time with your kind permission, that it is with sincere regret that my letters to your office, in regards to the subject matter, was not responded to me for the past seven months April 20, to November 19, 1987. I, being a Native-Hawaiian and a beneficiary of the Hawaiian Homes Commission Act of 1920, should, first and foremost be assisted on this matter by your department, but I am sad to say,chose to assist the Department of Public Works, with your comments on the subject matter, which fortunately, your comments to them, placed me in a position to use what proper procedures to take. At this point in time, I reserve any future comments on the subject matter, until such time if and when I do receive the reply on the April 20,and June 10,1987 letters

Your reply on the above four questions has been extremely simplified, in comparison to the first two letters, which I feel at the present that maybe,it was too difficult to comprehend, therefore the delay on the response.
Your reply within 15 days in writing, would be greatly appreciated. Mahalo.

By virtue of this communication, I waive none of my Native Hawaiian Rights, I reserve all of my Rights as a Native Hawaiian and a Natural born inhabitant of the State of Hawaii, and I demand all of my Constitutional Rights at all times.

Sincerely submitted:

Edward Inn
Edward Inn

41-186 Huli St
259-7607

CC: HHC

DOMESTIC WATER USE ASSESSMENT

§219.1. General assistance. The department is authorized to carry on any activities it deems necessary to assist the lessees in obtaining maximum utilization of the leased lands, including taking any steps necessary to develop these lands for their highest and best use commensurate with the purposes for which the land is being leased as provided for in section 207, and assisting the lessees in all phases of farming, ranching, and aquaculture operations and the marketing of their agricultural or aquacultural produce and livestock. [L 1962, c 14, §6; am imp L 1963, c 207, §2; am L 1981, c 90, §9]

§220. [Development projects; appropriations by legislature: bonds issued by legislature.] The department is authorized directly to undertake and carry on general water and other development projects in respect to Hawaiian home lands and to undertake other activities having to do with the economic and social welfare of the homesteaders, including the authority to derive revenue from the sale, to others than homesteaders, of water and other products of such projects or activities, or from the enjoyment thereof by others than homesteaders, where such sale of products or enjoyment of projects or activities by others does not interfere with the proper performance of the duties of the department: provided, however, that roads through or over Hawaiian home lands, other than federal-aid highways and roads, shall be maintained by the county or city and county in which said particular road or roads to be maintained are located. The legislature is authorized to appropriate out of the treasury of the State such sums as it deems necessary to augment the Hawaiian home-loan fund, the Hawaiian home-development fund, the Hawaiian home-operating fund, and the Hawaiian home-administration account, and to provide the department with funds sufficient to execute and carry on such projects and activities. The legislature is further authorized to issue bonds to the extent required to yield the amount of any sums so appropriated for the payment of which, if issued for revenue-producing improvements, the department shall provide, as set forth in section 213(d).

To enable the construction of irrigation projects which will service Hawaiian home lands, either exclusively or in conjunction with other lands served by such projects, the department is authorized, with the approval of the governor, to grant to the [board of land and natural resources], or to any other agency of the government of the State or the United States undertaking the construction and operation of such irrigation projects, licenses for rights-of-way for pipelines, tunnels, ditches, flumes, and other water conveying facilities, reservoirs and other storage facilities, and for the development and use of water appurtenant to Hawaiian home lands; to exchange available lands for public lands, as provided in section 204(4) of this title, for sites for reservoirs and subsurface water development wells and shafts; to request any such irrigation agency to organize irrigation projects for Hawaiian home lands and to transfer irrigation facilities constructed by the department to any such irrigation agency; to agree to pay the tolls and assessments made against community pastures for irrigation water supplied to such pastures; and to agree to pay the costs of construction of projects constructed for Hawaiian home lands at the request of the department, in the event the assessments paid by the homesteaders upon lands are not sufficient to pay such costs: Provided, that licenses for rights-of-way for the purposes and in the manner specified in this section may be granted for a term of years longer than is required for amortization of the costs of the project or projects requiring use of such rights-of-way only if authority for such longer grant is approved by an act of the legislature of the State. Such payments

April 24, 1989

No Response

Mr Kazu Hayashida
Manager & Chief Engineer
630 So. Beretania Street
Honolulu, Hawaii 96813

Subject matter:
The imposition of water bills on lessees beneficiaries of the Hawaiian Homes Commission Act of 1920 as amended, which results in a direct violation of Section 220, Section 4 and 5(f) Section 221: (b)(c)(d) and Section 10-2-19.

Dear Mr Hayashida: Aloha Kakou,

As the Director and Chief Engineer of the Board of Water Supply, City and County of Honolulu, Honolulu, Hawaii some -where along the line, you and other predecessors, did in fact stepped outside the scope of your authority, by imposing water bills on lessees on Hawaiian Home Lands, which results in the above violations and also violates my native Hawaiian Rights under the Hawaiian Homes Commission Act and my Civil Rights, in respect to the Civil Rights Act and as a citizen of the United States, and other beneficiaries.

This illegal practice has been in effect for three decades and needs to be resolved immediatly, and it can be corrected if you proceed with the intent of the HHCA in mind and to stay on tract, I, assure you at this point.

Section 220: Development Projects, (states in part), The Commission is authorized directly to undertake and carry on general water and other development projects in respect to Hawaiian Home Lands.

Section 221:

(b) All water license issued after the passage of this Act shall be deemed subject to the condition, whether or not stipulated in the license, that the licencee, shall upon the demand of the Commission, grant to it the right to use, free of all charge, any water which the Commission deems necessary adequately to supply the livestock or the domestic needs of individuals upon any tract.

(c) States in part:

In order adequately to supply live stock or the domestic needs of individuals upon any tract the Commission is authorized (1) to use, free of all charge, Government-owned water not covered by any water license issued previous to the passage of this Act. but containing a reservation of such water for the benefit of the public.

Cont. Section 221:

> (d) The Commission is authorized, for the additional purpose of adequately irrigating any tract, to use, free of all charge, Government-owned water upon the island of Molokai and Government-owned surplus water tributary to the Waimea River upon the island of Kauai, not covered by a water license or covered by a water license issued after the passage of this Act. Any water license issued after the passage of this Act and covering any such Government-owned water shall be deemed subject to the condition, whether or not stipulated therein, that the licensee shall, upon the demand of the Commission grant to it the right to use, free of all charge, any of the water upon the island of Molokai, and any of the surplus water tributary to the Waimea River upon the island of Kauai, which is covered by the license and which the Commission deems necessary for the additional purpose of adequately irrigating any tract.

Sir, the City and County of Honolulu and its agency is in direct violation of Sections 4 and 5 (f) of the Hawaii Admissions Act of 1959. It clearly states:

All proceeds and income derived from Hawaiian Home Lands as defined by the Hawaiian Homes Commission Act, shall be used only in compliance of the provisions of the Hawaiian Homes Commission Act

Section 4 of Article X11 of the State Constitution excludes Hawaiian Home Lands from others upon which the Trust is imposed by the Statehood Act, so that Hawaiian Home Lands could not be used to benfit the remainder,of the Hawaii Public.

> Most importantly, the provision of Section 4 of the Hawaii Admissions Act of 1959, concerning ENCUMBRANCES which shall not be increased, except with the consent of the United States.

Sir, in view of the above violations of the Hawaiian Homes Commission Act of 1920 as amended, I do not foresee any problem for you to arrive at a positive decision, as I stated earlier, keep on tract with the Congressional Laws of the Hawaiian Homes Commission Act, there won't be any.

In the event that your decision is negative of course with the advice of the City's Corporation Counsel, certainly, that is your prerogative on the matter, which indicates your position on the subject matter.

Mr Kazu Hayashida
Page 3
April 24, 1989

Which gives me an avenue to file a letter of complaint to the office of the Attorney General of Hawaii, the Governor's Office and the Office of the Department Of Interior, on the violations contained in this letter.

The State of Hawaii (trustee) to the trust, the Governor, the Hawaiian Homes Commissioners, the Director of the Commission, I believe, being of native Hawaiian decent, fails to uphold the intent of the Hawaiian Homes Commission Act, thereby forsaking its beneficiaries of our native Hawaiian and Civil Rights and continues to allow the City and County Board of Water Supply to illegally take monies from myself and family and other beneficiaries causing unnecessary hardship, depriving us from food for our tables clothing and also of life, liberty and property and pursuit of happiness is I believe unspeakable, and a disgrace to our race.

I also, will seek the assistance of the President of the United States, the Secretary of the Interior, Congress, Department of Justice and the Attorney General of the United States to aid myself and other native Hawaiian beneficiaries of the trust in filing a Breach of Trust suit, committed against the Hawaiian Homes Commission Act of 1920 as amended, under:

CIVIL RIGHTS ACTIONS

Title 18 USCA 241, 242, Title 42 USCS 1983, 1985, 1988

By virtue of this communication:

I waive none of my Rights, reserve all of my Rights, and demand all of my Rights, as a native Hawaiian, a beneficiary of the Hawaiian Home Commission Act and my Civil Rights as a citizen of the United States.

Mahalo,

In Sincerity,

Edward Inn

Edward (papa) Inn

41-186 Huli Street
Waimanalo, Hi. 96795
259-7607

EPI

Governor,	John Waihee 111
Mayor,	Frank F, Fasi
Director, of DHHL	Ilima A. Piianaia
Director. of BWS	Kazu Hayashida
Chairman, City Council	Arnold Morgado

May 23, 1989

Mr Kazu Hayashida
Manager and Chief Engineer
630 South Beretania Street
Honolulu,Hawaii 96813

Subject Matter:
The imposition of water bill on my residence, located at 41-186 Huli Street Waimanalo,Hawaii. A lessee on Hawaiian Home Land.

Dear Mr Kazu Hayashida, Aloha:

As of this date May 24,1989 I have not recieve any response to my letter dated April 24, 1989. I would think that you would show a little courtesy to me, by informing me of what your position is or even saying that you have me in mind but I guess;you dont operate in that manner.

You have 10 days to respond to my letter because I really dont know what your position and intentions is on the subject matter, therefore, if no reply is forthcoming within the specified days indicated, then it releases me from the courtesy shown you, for the past month and I will begin to initiate the necessary proceedings to resolve the matter.

I will demand that the Federal Government to take action against the State of Hawaii and the City and County of Honolulu for the violations indicated in my previous letter to you and to resolve this unnecessary and ridiculous problem that has been hanging on the native Hawaiians and depriving us of our due benefits for decades.

I appreciate your attention on this matter, mahalo.

Edward Inn
Edward (Papa) Inn

State of Hawaii
City and County of Honolulu

Governor	John Waihee
Mayor	Frank F.Fasi
Manager and Chief Engineer	Kazu Hayashida
Director of Hawaiian Homes	Ilima A.Piianaia
City Council Chairman	Arnold Morgado

Office of Indian Affairs
Senate Select Committee

Hawaii Congressional

CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII 96813 / TELEPHONE 523-4000

LEIGH-WAI DOO
COUNCILMEMBER

July 7, 1989

Mr. Edward (Papa) Inn
41-186 Huli Street
Waiamanalo, Hawaii 96796

Dear Mr. Inn:

A copy of your April 24 letter to Mr. Kazu Hayashida, Chief Engineer of the Board of Water Supply, reached my desk and, as I found your questions intriguing, I took the liberty of submitting them to the Office of Council Services for review.

Their report to me is attached and I thought you would find it of interest.

Sincerely,

LEIGH-WAI DOO
Councilmember

LWD/EP:kn

Attachments
cc: Mr. Kazu Hayashida
Manager & Chief Engineer
Board of Water Supply

OFFICE OF COUNCIL SERVICES
CITY AND COUNTY OF HONOLULU
530 SOUTH KING STREET
HONOLULU, HAWAII 96813/TELEPHONE (808) 523-4911

DAVID T E LUM, PH D
DIRECTOR

June 23, 1989

MEMORANDUM

TO: LEIGH-WAI DOO, COUNCILMEMBER

SUBJECT: BOARD OF WATER SUPPLY AND THE HAWAIIAN HOMES COMMISSION ACT, 1920

This is in response to your request dated June 9, 1989, regarding the Board of Water Supply's (BWS) right to impose certain water charges on lessees/beneficiaries of the Hawaiian Homes Commission Act of 1920 (Act), as amended.

The issue that is raised in Mr. Inn's letter is whether the Hawaiian Homes Commission Act entitles him, as a direct beneficiary of the Act, to the free use of water. At the outset it should be noted that the water Mr. Inn receives at his Waimanalo residence is a mixture of water which comes from four different sources, none of which are located in the Waimanalo district: Punaluu wells, Waihee tunnels, Kahana wells, and Kuou wells.

I. Hawaiian Homes Commission Act, 1920

After reviewing the sections of the Act and State Constitution cited by Mr. Inn, it is our opinion that Mr. Inn is incorrect in his interpretation of those provisions. The Act entitles the department of Hawaiian home lands, or more particularly its executive board or Commission, not the individual inhabitants, to the free use of government-owned water upon the Commission's demand and determination of need.

Section 220 of the Act, cited by Mr. Inn, states in pertinent part, "[t]he department [Commission] is authorized directly to undertake and carry on general water and other development projects in respect to Hawaiian home lands...." And Section 221, subsection (2)(b), also cited by Mr. Inn, states:

> (b) All water licenses issued after the passage of this Act shall be deemed subject to the condition, whether or not stipulated in the license, that the licensee shall, upon the demand of the department [Commission], grant to it

> the right to use, free of all charge, any water which the department deems necessary adequately to supply the livestock, aquaculture operation, or domestic needs of individuals upon any tract.

These sections clearly indicate that the Commission has been given exclusive authority to regulate and oversee any water development projects on Hawaiian home lands. Any licensee of a "water license" to use government-owned water as issued by the board of land and natural resources, takes such license subject to the Commission's right to demand the free use of such water for purposes it determines necessary.

Moreover, contrary to Mr. Inn's interpretation of the Act, the right and power to demand the free use of such water as is necessary for the domestic needs of individuals upon Hawaiian home lands was placed in the exclusive control and determination of the Commission. In Ahuna v. Department of Hawaiian Home Lands, 64 Haw. 327 (1982), the Hawaii Supreme Court reviewed the legislative history of the Act and determined that:

> The Department of Hawaiian Home Lands, headed by the Hawaiian Homes Commission, received exclusive control of the Hawaiian home lands by section 204 of the HHCA. The HHCA further stated: "The power and duties of the governor and the board of land and natural resources, in respect to lands of the State, shall not extend to lands having the status of Hawaiian home lands, except as specifically provided in this title." HHCA, Section 206. We conclude from this history that the Hawaiian Homes Commission, which oversees the Department, is the specific state entity obliged to implement the fiduciary duty under the HHCA on behalf of eligible native Hawaiians.
> 64 Haw. at 338.

As the implementing state entity of the Act, the Commission is empowered to delegate duties or negotiate agreements for the purposes of fulfilling it obligations. Accordingly, subsection (2)(f) of Section 221 states:

> Water systems in the exclusive control of the department shall remain under its exclusive control; provided that the department may negotiate an agreement to provide for the maintenance of the water system and the billing and collection of user fees.

The Commission is empowered to enter into an agreement with the BWS for the maintenance of the water system and the billing and collection of user fees. Subsection (2)(f) clearly indicates that such user fees were contemplated as a necessary utility charge by the authors of the Act, and because the Act and Commission applies only to Hawaiian home lands, it is reasonable to conclude that the billing and collection of user fees was intended to apply to the recipients and lessees of Hawaiian home lands. Moreover, similar assessments against the lessees or homesteaders are also contemplated in Section 220 for the construction of irrigation facilities. Accordingly, Mr. Inn's interpretation of the Act is in error.

II. Hawaii Admissions Act and Constitution

The main thrust of Mr. Inn's letter has been addressed in the preceding section, however, we shall also address Mr. Inn's understanding of Sections 4 and 5(f) of the Hawaii Admissions Act and Section 4 of Article XII of the State Constitution.

Although Section 4 of the Admissions Act does, more or less, state that all proceeds and income from the "available lands", as defined by the Act, shall be used only in carrying out the provisions of the Act, Mr. Inn fails to show how this provision has been violated by the collection of user fees. The user fees, which are contemplated by the Act, are necessary for maintaining and operating the water mains and systems which supply water to the inhabitants on the Hawaiian home lands. The water mains and systems operate to the betterment of the native Hawaiians living on Hawaiian home lands. Accordingly, such fees are being collected and used for the betterment of native Hawaiians and is therefore in compliance with the directives of the Act and cannot be said to constitute increased encumbrances upon Hawaiian home lands requiring the United States' consent.

Similarly, Mr. Inn does not specify how Section 4 of Article XII of the State Constitution is also being violated by the charging of user fees. User fees are charged for the utility service which directly benefits the Hawaiian home lands. Mr. Inn may be assuming that the user fees constitute proceeds and income from the land and is being used to benefit the general public. This assumption is incorrect since "proceeds and income", which Mr. Inn appears to be referring to in Section 4 and subsection 5(f) of the Admissions Act, applies only to the income generated from the sale or disposition of public lands.

Finally, regarding subsection 5(f) of the Admissions Act, Mr. Inn appears to assume that Section 5 only addresses Hawaiian home lands or "available lands", as defined in the Act. However, the grant of lands made by the United States to the State of Hawaii through subsection 5(b), transfers "title to all the public lands and other public property,. . ." as well as the lands defined as "available lands" under the Act.

Therefore, subsection 5(f) addresses the benefit of all the people of Hawaii, not just native Hawaiians. This is confirmed by the latter portion of subsection 5(f) which provides that proceeds received from the sale or disposition of various State and federal public lands shall be held by the State in public trust not only for the betterment of the conditions of native Hawaiians as defined in the Act, but also for the support of public schools and other public educational institutions, for the development of farm and home ownership, for the making of public improvements, and for the provision of lands for public use.

Relevant sections of the Admissions Act, Hawaiian Homes Commission's Act, State Constitution and case law are attached for your review.

If you have any questions or require additional information after reviewing the above, please do not hesitate to contact our office.

Anthony D. Valdez
ANTHONY D. VALDEZ
Staff Attorney

FORWARDED BY:

DAVID T. E. LUM
Director

Attachments

July 14, 1989

Mr. Leigh-Wai Doo
Council member
City and County of Honolulu
Honolulu, Hawaii 96813

Subject: Assessment of water imposed on lessee's on Hawaiian Home Lands by the City and County of Honolulu. Recieved July 11, 1989.

Dear Mr. Wai Doo: Aloha,

Mahalo, for your response on the issue. In reviewing the response of the Office of Counsil Services, I do find it awesome. I felt like crawling under the rocks like one alamihi (crab) and hide. However, I just have one question to their report:

(Accordingly, Subsection (2)(f) of Section 221 states:)

Water systems in the exclusive control of the department shall remain under its exclusive control; provided that the (department may negotiate an agreement to provide for the maintenance of the water system and the billing and collection of user fees.)

The language and/or words that is underlined by the Council Services upsets me, because I don't recollect of ever seeing it in the past,and it caught me offguard.

Was it implemented by the Council Services or by legislative action or by Congressional approval. I would appreciate the information on the matter. Of course there are other factors to be addressed in their report.

Incidentally Mr. Wai Doo, did'nt the Department of Finance in regards to the issue of real property taxation imposed on lessee's on Hawaiian Home Lands by the City and County of Honolulu, reached your desk yet? I would think it should be foremost to the issue of water, being that it has been on the table for over 14 months and the water over 2 months, don't you agree?

I really want to have the issues resolved, before the Senate Select Committee arrives to conduct its hearings, if at all possible.

By virtue of this communication, I appreciate the information I recieved from the Office of Council Services And I do hope it can be resolved in an amicable manner in the interest of all concerned.

Mahalo,

In sincerity,

Edward Inn

Edward (Papa) Inn
41-186 Huli Street
Waimanalo, Oahu, Hawaii 96795
259-7607

Mr. Leigh-Wai Doo
Council member
City Council
City and County of Honolulu
July 17, 1989

Subject:

Water assesment on Hawaiian Home Land.

Dear Mr. Leigh-Wai Doo, Aloha

In response to the Office of Coucil Services, my memos to individuals is a method that I use in addressing issues to see what positions my adverаries is in, therefore,the broadness of the memo to the Board of Water Supply.

Sir, I am a layperson and don't claim other than that, opposing the top counsellors of the State of Hawaii, the City and County of Honolulu, the Directors of the department of Pub-lic Works, the Finance department that oversees the real pro-perty tax division, the board of water supply and most import-tantly, the Hawaiian Home Commissioners, who have in their hands, the power to uphold the responsibilities and to adhere to the intent of the Hawaiian Homes Commission Act, have failed its people, the beneficiaries, by permitting the public entity to assesments on Hawaiian Home Lands.

In their memo addressed to you dated June 23,1989 that I recieved from you July 13, it stated:

That the encumberance that I had mentioned in the 5 f that the benefits is not only for native Hawaiians, it benefits the public as well. I don't disagree with that, not at all but, they are claiming that the money that they have, that comes out of the 5 (f) which is the money that comes out of Hawaiian Home Lands (available lands) it goes into the "public trust" which is a violation section 5 (f).

At this point I believe, they are claiming that they do have the authority to increase the encumbrance of money diverted from "available lands" which results in the denial of the beneficiaries rights and of their inheritance.

And who may that be? They are the State, that when they incorporate that into the Constitution Article (12) section 4 "public trust" to OHA, they are the entity obliged to implement the distribution, which is the income for the beneficiaries,the Native Hawaiians, under section 5 (f) certainly not the County.

With respect to licenses, water and other areas thats within the County, that has the authority,given by the Hawaiian Home Commission.

Under section 220 and 221 as they have stated,it is an error by the Hawaiian Homes they are obliged to allow licenses but any income generated from that or revenue that belongs to the public trust is not allowed to be in the hands of the County.

It must be transferred to the State, who is the public trust and the beneficiary. Under section 4 Article 12 of the Constitution is OHA, OHA is the entity that is in charge of the public trust that was incorporated to OHA, not the County.

Those are the areas that is definitly wrong.

With respect to what they are doing or saying that the water, I agree that the water has been given and sections allow -ing licenses to them, but the State Constitution clearly states: that the revenues coming out of there, shall be diverted to section 4 and section 5 (f). Section 5 (f) clearly States: That the State is in charge of diverting the funds, under bond - through legislation and not to the County's treasury trust.

That I believe is where the error lies. That sir,is the status of the water issue, which indicates my position.All other allegations from the Office of Council Services,is,in my opinion irrelevant. I don't think that this issue can be remedied before the Senate Select Committee conduct hearings, therefore, I will present my testimony with whatever I have and I presume that the Council Services will do likewise to present their objections.

I would appreciate any comments from you,if any.

Mahalo, for your attention on the matter.

In sincerety,

Edward Inn

Edward (Papa) Inn

41-186 Huli Street
Waimanalo,Oahu Hawaii
96795

259-7607

Senate Select Committee
of Indian Affairs

Hawaii Congressional

Office of Council Services

City Council Chairman

Department of Hawaiian Homes

August 4, 1989

MEMORANDUM

TO: HONORABLE DANIEL K. INOUYE
UNITED STATES SENATOR

FROM: MR. & MRS. JAMES K. KAONOHI III

RE: SEWER LATERAL INSTALLATION FOR VACANT PORTION OF HAWAIIAN HOMESTEAD PROPERTY - LOT 72

Herewith submitted for your information and review in preparation of the scheduled hearing on Monday, August 7, 1989, are documentation of our request for assistance in obtaining a sewer lateral for our tentatively approved subdivision of Lot 72 pending compliance of the City and County's Division of Wastewater Management requirements.

As you will note, we have been in constant communication with the Department of Hawaiian Homes for sometime now regarding this issue and have only been advised that they are unable to assist us in our dilemma.

It is our recommendation that some financial provision or assistance be made available to homesteaders, like us, to meet these unforeseen costs (ie. sewer lateral, etc.) that continue to rise in order to obtain final approval for a subdivision.

We seek your assistance in resolving this matter and directing us in our efforts to secure a sewer lateral in hopes of building a home for our family.

Respectfully submitted,

James & Elzedia Kaonohi III
James and Elzedia Kaonohi III

/ek

Enclosures

P. O. Box 341
Waimanalo, Hawaii 96795
March 26, 1987

HAND DELIVERED

Department of Hawaiian Home Lands
P. O. Box 1879
Honolulu, Hawaii 96805

ATTN: LAND DEVELOPMENT DIVISION

Gentlemen:

After several unsuccessful attempts in getting a response to our immediate problem with the sewer line in Waimanalo and in accordance with a telephone call to Chairman Ilima Piianaia's office and subsequent telephone conversation with Bernard Kunihisa of your office yesterday, I would like to officially request in writing that a lateral for the sewer line on Ala Koa Street in Waimanalo be approved for our property located at 41-716 Ala Koa Street, Lot No. 72, pending a sub-division.

My mother, Mabel Keaweehu - the Lessee on property Lot No. 72, has elected to sub-divide her property for her daughter, Elzedia Kaonohi, which property falls on Ala Koa Street. The Lessee has her home presently on Bell Street but carrying an Ala Koa Street address. The request for a sub-division is currently in the City and County of Honolulu, Building Division, for final approval and we are awaiting a reply. We understand, in speaking with Bernard Kunihisa, that no problems are foreseen that would deny a sub-division. (Bernard Kunihisa has all background on this matter.)

Due to the contractor presently working on Ala Koa Street on the sewer line and seeing the markings on the road, we are aware that a lateral has not been provided for although a pending sub-division is in effect. A lateral for my mother's home on Bell Street is in place but a lateral on Ala Koa has not been marked. Therefore, due to the contractor working NOW on Ala Koa and the desire to have a lateral put in NOW while he is on our street, we seek your approval of this request immediately and feel strongly that we should not absorb the cost of such but that an allowance be made for our request.

Hoping you understand and approve the URGENCY of our request, we await your reply in writing.

Sincerely,

Elzedia P. Kaonohi

Elzedia P. Kaonohi

cc: Ilima Piianaia, Chairman
Stanley Wong
Fred Hirayama
Bernard Kunihisa
Cam Cavasso
File

DEPARTMENT OF LAND UTILIZATION
CITY AND COUNTY OF HONOLULU
650 SOUTH KING STREET
HONOLULU, HAWAII 96813 • (808) 523-4432

FRANK F. FASI
MAYOR

JOHN P. WHALEN
DIRECTOR

1987(64)(RM)

April 15, 1987

Mr. Harry K. Matsuo
969 Maniniholo Street
Honolulu, Hawaii 96825

Dear Mr. Matsuo:

Proposed Subdivision: Waimanalo--Ala Koa and Bell Streets
Tax Map Key: 4-1-16: 67
Owner : Hawaiian Home Lands
Surveyor : Harry K. Matsuo

Tentative approval was granted on April 9, 1987, to the proposed subdivision of Lot 72 of Waimanalo Residence Lots Second Series into two lots: Lot 72-A of 8,750 square feet and Lot 72-B of 8,750 square feet.

Final action to the proposed subdivision will be reviewed subject to:

1. Compliance with the requirements of the Board of Water Supply on the availability of water. The Board of Water Supply cannot guarantee that water will be available when the water lateral application is submitted for their review and approval.
2. Compliance with the Board of Water Supply's (lateral) requirement.
3. Compliance with the Division of Wastewater Management's (lateral) requirement.
4. Filing of final survey maps without showing the structures.

If you have any questions, please contact Mr. Robert Moore or Mr. Robert Sumitomo of our staff at 527-5838. To expedite your inquiries, make reference to the file number at the top right corner of this letter.

Very truly yours,

BENJAMIN B. LEE, AIA
Deputy Director

BBL:kl
(0064M)
Enclosure

cc: Hawaiian Telephone Company

COPY

14-0142

March 13, 1987

MEMORANDUM

TO: MR. JOHN WHALEN, DIRECTOR
DEPARTMENT OF LAND UTILIZATION

FROM: ALFRED J. THIEDE, DIRECTOR AND CHIEF ENGINEER

SUBJECT: YOUR MEMORANDUM OF MARCH 9, 1987
RELATING TO TRANSMITTAL OF SUBDIVISION MAPS
PROPOSED SUBDIVISION: SUBDIVISION OFF ALA KOA STREET
LOCATION: WAIMANALO, KOOLAUPOKO, OAHU, HAWAII
TAX MAP KEY: 4-1-16: 67
OWNER: HAWAIIAN HOME LANDS
SURVEYOR: HARRY K. MATSUO

We submit the following comments on the preliminary map:

Roads and Drains

No requirement.

Sanitary Sewers

Lateral required.

Vernon H. S. Ching

FOR ALFRED J. THIEDE
Director and Chief Engineer

BOARD OF WATER SUPPLY
CITY AND COUNTY OF HONOLULU
630 SOUTH BERETANIA STREET
HONOLULU, HAWAII 96843

FRANK F. FASI, Mayor
DONNA B. GOTH, Chairman
ERNEST A. WATARI, Vice Chairman
MILTON J. AGADER
SISTER M. DAVILYN AH CHICK, O.S.F.
EDWARD Y. HIRATA
ALFRED J. THIEDE
KAZU HAYASHIDA
Manager and Chief Engineer

April 6, 1987

TO: JOHN P. WHALEN, DIRECTOR
DEPARTMENT OF LAND UTILIZATION

FROM: KAZU HAYASHIDA, MANAGER AND CHIEF ENGINEER
BOARD OF WATER SUPPLY

SUBJECT: SUBDIVISION APPLICATION DATED MARCH 9, 1987 FOR
TMK: 4-1-16: 67, BELL STREET

We have no objections to the proposed subdivision. Water service is already available to Lot 72-A.

The availability of water to the proposed Lot 72-B will be determined when the water meter application is submitted for our review and approval. If the application is approved, the applicant will be required to pay our Water System Facilities Charges for source-transmission and daily storage.

If you have any questions, please contact Barry Usagawa at 527-6122.

FOR KAZU HAYASHIDA

'87 APR 8 PM 1 49
DEPT OF LAND UTILIZATION
CITY & COUNTY OF HONOLULU

87/64

Pure Water . . . man's greatest need – use it wisely

April 21, 1987

Mrs. Mabel Keaweehu
P. O. Box 40
Waimanalo, HI 96795

Dear Mrs. Keaweehu:

Subject: Proposed Subdivision - Ala Koa and Bell Streets
Tax Map Key: 4-1-16: 67

The enclosed City and County of Honolulu, Department of Land Utilization, letter grants tentative approval to the proposed subdivision. Final approval is dependent upon several conditions.

To comply with Items 1 and 2, please go to the Board of Water Supply's Beretania office, Customer Service Section, and pay a $1,545 deposit with either a certified or cashier's check. Please inform them that this is for subdivision of Tax Map Key: 4-1-16: 67. It would be helpful if you take a copy of the enclosed Board of Water Supply letter.

Item 3. Compliance with the Division of Wastewater Management's lateral requirement. I will leave this up to you as I understand you have discussed this with Mr. Bernard Kunihisa of the Department of Hawaiian Home Lands.

Item 4. I will take care of this item after all of the above requirements have been met.

Please inform me at 521-7491 when Items 1 to 3 have been taken care of so that I can proceed to file for final subdivision approval.

Very truly yours,

Harry K. Matsuo

Harry K. Matsuo
Registered Professional Surveyor

Enclosures

cc: Bernard Kunihisa

JOHN WAIHEE
GOVERNOR OF HAWAII

DISTRICT OFFICES

WEST HAWAII OFFICE
P. O. BOX 125
KAMUELA, HAWAII 96743

EAST HAWAII OFFICE
160 BAKER STREET
HILO, HAWAII 96720

STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS
P. O. BOX 1879
HONOLULU, HAWAII 96805

DISTRICT OFFICES

MAUI OFFICE
P. O. BOX 22
KAHULUI, MAUI 96732

MOLOKAI OFFICE
P. O. BOX 198
HOOLEHUA, MOLOKAI 96729

KAUAI OFFICE
P. O. BOX 332
LIHUE, KAUAI 96766

May 5, 1987

Mrs. Elzedia P. Kaonohi
P.O. Box 341
Waimanalo, Hawaii 96795

Dear Mrs. Kaonohi:

SUBJECT: Sewer Lateral Request - Lot No. 72, Waimanalo, Oahu

Thank you for your letter dated March 26, 1987 in which you are requesting that a sewer lateral from Ala Koa Street servicing Lot No. 72 be installed at the department's expense.

The Waimanalo sewer system currently being placed in Ala Koa Street was designed in 1985 and it was intended to provide sewer laterals to homes that were then being serviced by cesspools. Although Lot No. 72 is in the process of being approved for subdivision by the city and county government, no provisions had been made by this department to install a sewer lateral to the lot that will front on Ala Koa Street.

Under the Ohana Homestead Program, the department has offered to pay for the surveying and staking costs and the subdivision application fees for lessees who elect to subdivide their lots before June 30, 1987. All other costs that may be incurred in the processing and obtaining of the subdivision remain the responsibility of the lessees. This has been and continues to be the department's policy regarding lessee-initiated subdivisions.

However, because of the current sewer construction activity in Waimanalo and your letter of request, I have instructed our Land Development Division to reevaluate your request and to restudy options that might be open to the department regarding it. When a final decision has been reached, the lessee and you will be notified.

Mrs. Elzedia P. Kaonohi
Page 2
May 5, 1987

Should you have further questions, please work with departmental staff members with whom you have been in contact regarding this matter.

Sincerely,

Ilima A Piianaia

Ilima A. Piianaia, Chairman
Hawaiian Homes Commission

IAP:BK:at

cc: Mrs. Mabel Keaweehu

P. O. Box 341
Waimanalo, Hawaii 96795
June 8, 1987

Chairman Ilima Piianaia
Department of Hawaiian Home Lands
P. O. Box 1879
Honolulu, Hawaii 96805

RE: REQUEST FOR ASSISTANCE FOR SEWER LATERAL PENDING
SUB-DIVISION (LOT 72) WAIMANALO, OAHU

Dear Chairman Piianaia:

We have been in contact with your office on numerous occasions regarding the status of our request for assistance on a sewer lateral for our property (Lot 72) in Waimanalo pending a sub-division.

In speaking with Bernard Kunihisa of your office, he advises that you are waiting on the Land Development Division for some figures of which a decision has not yet been reached. Since a month's time has passed and our request for a loan to build our home is being jeopardized by the sub-division contingent upon a sewer lateral, may we request a time schedule from you as to when a decision will be reached OR when we could expect to get some notification in writing from you regarding this problem as a great deal of time has passed since our initial letter to you in March was sent?

Your assistance in expediting our request will be greatly appreciated. We await your reply.

Sincerely,

Elzedia P. Kaonohi
Elzedia P. Kaonohi

Kimo Kaonohi III

/ek

cc: Bernard Kunihisa
Fred Lee (Land Development Division)
Stanley Wong
File

JOHN WAIHEE
GOVERNOR OF HAWAII

DISTRICT OFFICES

WEST HAWAII OFFICE
P. O. BOX 125
KAMUELA, HAWAII 96743

EAST HAWAII OFFICE
160 BAKER STREET
HILO, HAWAII 96720

STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS
P. O. BOX 1879
HONOLULU, HAWAII 96805

DISTRICT OFFICES

MAUI OFFICE
P. O. BOX HHH
WAILUKU, MAUI 96793

MOLOKAI OFFICE
P. O. BOX 198
HOOLEHUA, MOLOKAI 96729

KAUAI OFFICE
P. O. BOX 332
LIHUE, KAUAI 96766

August 14, 1987

Mr. and Mrs. James Kaonohi III
P.O. Box 341
Waimanalo, Hawaii 96795

Dear Mr. and Mrs. Kaonohi:

SUBJECT: Sewer Lateral Installation Request
For Lot No. 72, Waimanalo, Oahu

Please accept my apologies for the delay in responding to your requests to have the department install a sewer lateral from Ala Koa Street to the vacant portion of Lot No. 72 that you will be receiving from your mother, Mrs. Mabel Keaweehu.

I regret to inform you that the department will not install the sewer lateral to the proposed subdivided lot for the following reasons:

1. The engineering designs, plans, and contract documents for the Waimanalo sewer system, that included the sewer trunk line and laterals within Ala Koa Street, were finalized, after much planning, in mid-March of 1986.

2. As substantial funding of the total sewer project came from the federal government, the department was limited by the scope of work that could be included in the project. One of the criteria used in determining the placement of sewer laterals was that sewer service would be provided only to those lots that had been approved by the governing county agency. In this case, the agency is the City and County of Honolulu's Department of Land Utilization (DLU), which determines approval of all lot subdivisions on Oahu.

3. Although this department had knowledge of Mrs. Keaweehu's intent to subdivide her lot at the time the designs, plans and contract documents were being finalized, Lot No. 72 did not meet the criteria of having final county approval as stated in Item

No. Two. As you may well know, DLU has, at present, only granted tentative approval of the subdivision of Lot No. 72.

For your information, there were other requests for lot subdivisions along Ala Koa Street that the department is now, or will be applying to DLU for approval. No provisions were made to incorporate within the design plan the installation of sewer laterals to any of these proposed subdivided lots.

Since being appointed the Director of the Department of Hawaiian Home Lands, one of the commitments that I have made is to improve the department's relationships with all county, state, and federal agencies with whom we must work. Although the decision regarding the finalization of the sewer designs, plans, and contract documents was made well before my appointment, I feel that it would not be appropriate to now jeopardize the coordinated relationship existing between the department, and the involved county and the federal agencies working on this project by trying to accommodate special requests such as yours.

Should you have any questions, please contact Mr. Bernard Kunihisa at 548-5831. Thank you for your patience and understanding on this matter.

Sincerely,

Ilima Piianaia
Ilima A. Piianaia, Chairman
Hawaiian Homes Commission

IAP:LMC:at

cc: Mrs. Mabel Keaweehu

Leonard K.P. Leong
Vice President

ROYAL

September 26, 1988

Mr. and Mrs. James Kaonohi
P.O. Box 341
Waimanalo, Hawaii 96795

Dear Mr. and Mrs. Kaonohi:

After a review of your propose sewer lateral, Royal Contracting Co., Ltd. submits for consideration our lump sum price of SEVEN THOUSAND, NINE HUNDRED FORTY TWO DOLLARS AND NO CENTS ($7,942.00) to install subject lateral.

In general, scope of work includes excavation, backfill, piping, fittings and trench restoration.

Permit and layout are not included.

If additional information is necessary, please feel free to contract me.

Very truly yours,

ROYAL CONTRACTING CO., LTD.

Leonard K P Leong

Leonard K.P. Leong
Vice President

Royal Contracting Company • 677 Ahua Street • Honolulu, Hawaii 96819 • (808) 839-9006

HAITSUKA BROTHERS LIMITED
GENERAL ENGINEERING CONTRACTOR

September 27, 1988

Mr. & Mrs. James K. Kaonohi III
P. O. Box 341
Waimanalo, Hawaii 96795

RE: SEWER LATERAL REQUEST FOR LOT 72
41-716 ALA KOA STREET
WAIMANALO, HAWAII 96795

Dear Mr. & Mrs. Kaonohi:

This letter is being written to verify that Mr. Kaonohi on May 1, 1987 and on several other occasions spoke with and requested from my foreman, who was in charge of installing a sewer line on Ala Koa Street in Waimanalo, for a sewer lateral for his property located at 41-716 Ala Koa Street, Lot 72, as a lateral was not provided for him.

In response to his request, we advised Mr. Kaonohi that under directions from Hawaiian Homelands we were not able to solicit any business to him and that we were under contract to install only a certain number of laterals as marked and designated on plans and drawings.

Further, please be advised that installation of a sewer lateral for the aforementioned property at initial request by Mr. Kaonohi would have cost $600.00 vs. installation of a sewer lateral presently at a cost of **EIGHT THOUSAND DOLLARS** $8,000.00.

Should you have any questions regarding this matter, please feel free to contact me.

Sincerely,

Edmund Haitsuka
President

cc: File

P. O. Box 341
Waimanalo, Hawaii 96795
October 3, 1988

TO: TONY SANG
HAWAIIAN HOMESTEAD ASSOCIATION

FROM: JAMES AND ELZEDIA K. KAONOHI III (KIMO)

RE: ASSISTANCE IN ACQUIRING SEWER LATERAL FOR LOT 72
41-716 ALA KOA STREET, WAIMANALO, HAWAII 96795

Dear Sir:

We would like to direct this letter to the Hawaiian Homestead Association in hopes that we may obtain your assistance in acquiring a sewer lateral for our "tentatively approved" sub-divided lot no. 72 pending sewer and water connection.

Please be advised that we CAN get a sewer lateral to our property from the main trunk but that because of "derelection of duty" on the part of Hawaiian Homes, we have now been asked to absorb total cost of installation vs. what it would have cost had we been able to install lateral at the time contractors were initially working on Ala Koa Street.

After numerous attempts in trying to work with Hawaiian Home Lands (ie. Bernard Kunihisa and Chairman Ilima Piianaia) as evidenced by our correspondence attached, we seek your assistance and direction in pursuing this matter further with Hawaiian Home Lands and hopefully working out a mutually agreeable solution.

We await your direction and reply.

Sincerely,

James K. Kaonohi III (Kimo)

Elzedia Kaonohi

Elzedia Kaonohi

COMMITTEES:
Finance
Health
Housing and
Community Development
Human Resources

Office:
State Capitol
Room 414
Phone — 548-7569

Cam Cavasso
HOUSE OF REPRESENTATIVES
STATE OF HAWAII
STATE CAPITOL
HONOLULU, HAWAII 96813

February 28, 1989

Ms. Ilima A. Piianaia
Chairman
Hawaiian Homes Commission
P.O. Box 1879
Honolulu, Hawaii 95805

Dear Ms. Piianaia,

Thank you for stopping by my office several weeks ago to discuss the problem that some of the homesteaders have come up against insofar as not receiving stub outs to their property during federally-financed sewer upgrade construction.

Of immediate concern to me is the plight of Mr. Kimo Kaonohi, which I mentioned to you when we met. Mr. Kaonohi has a subdivided lot on Hawaiian Homes land at 41-716 Alakoa Street in Waimanalo. Even though his land has been properly subdivided, Mr. Kaonohi cannot get a building permit for a new house on his property because the land does not have a lateral sewage line.

During the latest federally-financed construction in the area, laterals were provided to most lots in the subdivision, but about eight lots, including Mr. Kaonohi's were not included in the upgrade. According to Mr. Kaonohi, the Hawaiian Homes Commission told him that only one lateral per lot was authorized and that the lateral authorized for his lot was hooked up to another lot.

The only lateral sewage line on Mr. Kaonohi's property is hooked into Bell Street and was put in some twenty years ago. During the latest construction, Mr. Kaonohi approached the contractor and was told that if his property was upgraded during the overall construction, the cost would be about six hundred dollars. However, according to Mr. Kaonohi, the contractor would not do the work without authorization from the project director, which permission Mr. Kaonohi could not obtain.

In a recent conversation with a contractor, Mr. Kaonohi was informed that upgrading his property with a stub out would cost approximately eight thousand dollars.

I would appreciate your help in solving Mr. Kaonohi's dilemma. It does seem appropriate for the Hawaiian Homes Commission to help by providing the stub out. Please pursue the matter further with me to resolution. If you need more specifics on this particular case, Mr. Kaonohi can be reached at home at 259-9713 or at work at 259-9911.

Thanks for your time and consideration in this matter.

Sincerely,

CAM CAVASSO
State Representative
20th District

cc: Mr. Kimo Kaonohi

WAIMANALO HAWAIIAN HOMES ASSOCIATION
P.O. BOX 353
WAIMANALO, HAWAII 96795--0353

March 3, 1989

MEMORANDUM

TO: Honorable John Waihee
Governor, State of Hawaii

Honorable Richard Wong
President of the Senate

Honorable Daniel J. Kihano
Speaker of the House of Respresenatives

FROM: Anthony Sang
President, Waimanalo Hawaiian Homes Ass'n

RE: ALA KOA STREET SEWER LATERAL INSTALLATION FOR VACANT PORTION OF HAWAIIAN HOMESTEAD WAIMANALO, LOT 72 (TMK: 4-1-16:67)

Under Article XII of the Constitution of the State of Hawaii, the Hawaiian Homes Commission Act was adopted as a law of the State of Hawaii, subject to amendment by the State Legislature with the consent of the United States in appropriate cases. And thereunder the State Legislature is mandated to make sufficient sums available for, among others, the development of home lots. And under the remedial purposes of the Act with provisions for the leasing of residential lots of not more than one acre to "native Hawaiians" as defined under the Act (Sections 201 and 207(a)), there was established a Hawaiian Home development fund for "offsite improvements and development necessary to serve present and future occupants of the Hawaiian home lands. . . and for improvements constructed for the benefit of beneficiaries of this Act. . . . " (Section 213 (b)(1).

Mrs. Mabel Keaweehu is a Hawaiian Homestead lessee of Waimanalo residential Lot 72, second series, comprising 17,500 square feet, sandwiched between Bell and Ala Koa Streets. As such beneficiary, Mrs. Keaweehu had constructed her residence on the Bell

Street half of the property and was provided a Bell Street sewer lateral by the Department of Hawaiian Home Lands.

Mrs. Keaweehu is in the process of subdividing said Lot 72 into two 8,750 square feet parcels (which conforms to current Department policy of awarding residential lots of that size in the area), the vacant portion thereof for her daughter, Mrs. James (Eldedia) Kaonohi III, to construct a separate residence. Mrs. Kaonohi qualifies as a "native Hawaiian."

Tentative approval for the proposed subdivision of said Lot 72 was granted on April 9, 1987 by the City and County of Honolulu. Final action thereon was to be subject to, among others, compliance with the City and County's Division of Wastewater Management (sewer lateral) requirements.

The matter of the installation of the sewer lateral by the Department for the Ala Koa Street portion of the proposed subdivision was under discussion with the Department as formalized by letter of March 26, 1987 from the Kaonohis. (The Kaonohis also had a loan request with the Department to build their residence on the Ala Koa Street portion of the pracel, and action on the loan request was contingent upon approval of the subdivision by the City and County.) This discussion occurred when the Department's contractor was working on the sewer line on Ala Koa Street. At that time the Department allegedly had not provided for a sewer lateral for the property in question notwithstanding the pendency of the proposed subdivision or for an allowance therefore for the Kaonohis., By letter of August 14, 1987, the Department formally declined to install the requested sewer lateral for the reasons that: (1) the engineering designs, plans and contract documents for the Waimanalo sewer system had been finalized in mid-March 1986 and (2) with substantial Federal funding for the total sewer project, sewer laterals would only be provided for those lots that had obtained final subdivision approval from the City and County.

It should be also noted that Mr. Kaonohi had on several occasions requested the sewer line contractor for a sewer lateral for the vacant portion, but the contractor informed Mr. Kaonohi that "under directions from the Hawaiin Homelands we were not able to solicit any business to him and that we were under contract to install only a certain number of laterals as marked and designated on plans and drawings." The cost to install the sewer lateral while the work was in progress was $600.00, but currently after completion of the Ala Koa Street project the cost would be about $8,000.00 with the necessity of current excavation, backfill, piping, fittings and trench restoration.

An obvious Catch 22 situation exists, i.e. the City and

County would not give final approval of the requested subdivision of said Lot 72 without installation of the sewer lateral, and the Department would not approve the sewer lateral absent final approval of the subdivision by the City and County. And with this circumstance, action on the Kaonohis' loan request for the construction of their residence handgs in limbo. The dilemna of Mrs. Keaweehu and the Kasonohis is manifest.

The foregoing justifies an appropriation to the Hawaiian home developmnet fund via the CIP budget or some other appropriate bill in the order of $8,000.00 for the installation of an Ala Koa Street sewer lateral for the the vacant portion of Hawaii Homestead Waimanalo Lot 72 (TMK: 4-1-16:67). Such appropriation would be consistent with both the language and spirit of the remedial provisions of the constitutionally endowed Hawaii Homes Commission Act.

HOUSE OF REPRESENTATIVES
THE FIFTEENTH LEGISLATURE
STATE OF HAWAII
STATE CAPITOL
HONOLULU, HAWAII 96813

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†Minority Leader
††Minority Floor Leader

July 13, 1989

In Reply
Refer To
89-JL-01

Mr. James Kaonohi III
41-716 Alakoa Street
Waimanalo, Hawaii 96795

Dear Mr. Kaonohi,

I have recently received the enclosed letter from Ilima Piianaia, Chairman of the Hawaiian Homes Commission which I am forwarding for your information.

The decision of the Commission not to grant our request to provide a sewer lateral to your lot is regrettable. I'll continue to do what I can to seek reversal of their determination.

If you have any suggestions or further information that may be of help in this matter, please let me know.

Yours sincerely,

CAM CAVASSO
State Representative

Encl

JOHN WAIHEE
GOVERNOR
STATE OF HAWAII

ILIMA A. PIIANAIA
CHAIRMAN
HAWAIIAN HOMES COMMISSION

STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS
P. O. BOX 1879
HONOLULU, HAWAII [illegible]

May 2, 1989

MEMORANDUM

TO: The Honorable Cam Cavasso
House of Representatives

FROM: Ilima A. Piianaia, Chairman Ilima Piianaia
Hawaiian Homes Commission

SUBJECT: Sewer Lateral Request, Waimanalo, Oahu - Mr. James Kaonohi III

Thank you for your letter concerning the construction of a sewer lateral for Mr. James Kaonohi III at 41-716 Ala Koa Street in Waimanalo.

The lot located at that address is currently leased to Mrs. Mabel Keaweehu, who is Mr. Kaonohi's mother-in-law. She had requested that the lot be subdivided and a portion transferred to her daughter, Mrs. James (Elzedia) Kaonohi III.

Prior to January 20, 1986, and in accordance with the department's Administrative Rules, lessees who requested to subdivide their homestead lots were required to pay for all subdivision-related costs. A subsequent change in the rule now simply states that the department is not required to pay for any of these costs. However, in an effort to encourage lessees of large homestead lots to subdivide them and transfer portions to other native Hawaiians, the department offered to pay for surveying services required in the subdivision process. All other costs and conditions, that may be required by the county government processing the subdivision application, remain the responsibility of the lessee.

Although Mrs. Keaweehu's subdivision application to the City and County of Honolulu received tentative approval in April 1987, it never received final approval. One of the required conditions for obtaining final subdivision approval was the construction of a sewer lateral to the proposed subdivided lot, which is the subject of Mr. Kaonohi's request.

During the latest construction of sewer improvements in Waimanalo, Mr. and Mrs. Kaonohi did request that a lateral be installed to service the proposed lot. However, the design of the sewer system called for providing sewer laterals, on a one-per-lot basis, to replace cesspool systems that were servicing existing houses on official "lots of record" that were recognized by the City and County of Honolulu. In Mr. Kaonohi's situation, no "authorized lateral" was given or hooked-up to another lot for the simple reason that there was no "authorized lateral" for Mr. Kaonohi's proposed lot.

There are presently seven unsubdivided lots along the mauka-side of Ala Koa Street in Waimanalo that also front Bell Street. Four of the lessees of these lots had requested to subdivide their lots, including Mrs. Keaweehu, while the others did not. Although none of the lots were provided with additional sewer laterals during the latest sewer construction phase along Ala Koa Street, all of them have access to previously installed sewer laterals located along Bell Street.

In discussing the Kaonohis' situation with the county's Waste Water Management Division, our staff was informed that the sewer lateral requirement for the Kaonohi lot could probably be satisfied by hooking up to Mrs. Keaweehu's sewer lateral on Bell Street. It is a common practice to service two lots with a single sewer lateral and, given the present situation, doing so should reduce sewer costs substantially for the Kaonohis. Although this option was discussed with them, they did not want to pursue it and, consequently, the subdivision application with the county expired.

The department could eliminate situations such as the one facing the Kaonohis, if future sewer systems were designed to include additional laterals for large lots that may be subdividable. Then, should the lessees of these lots choose to subdivide them, the cost to connect to the sewer system would be greatly reduced. However, the added cost to the department to construct additional laterals needs to be considered. It may be difficult to justify spending additional funds for the benefit of individual homesteaders who may, or may not, subdivide their lots. There have been instances where homesteaders had requested subdivision of their lots, had them surveyed at the department's expense, and then changed their minds about subdividing them.

If the department decides to install a sewer lateral for Mrs. Keaweehu, it should also be prepared to do the same for other homesteaders. The financial impact on the department would then be far greater than the $8,000 that may be needed to provide a lateral for the Kaonohis. Until there is a change in the current policy of only providing survey-related services for lessees requesting to subdivide their lots, the department will not install a sewer lateral for the Kaonohis. I have asked my staff to review the policy approved by the Hawaiian Homes Commission and to recommend changes, if they can be justified.

In any case, the department will review Mr. and Mrs. Kaonohi's situation and inform you of any changes. If you have any questions, please feel free to call me at 548-6450, or John Rowe, Deputy Director, at 548-3224.

Log of Telephone calls to Hawaiian Home Lands

3/26/87 Letter written to Hawaiian Home Lands requesting a sewer lateral with cost absorbed by Hawaiian Homes.

4/3/87 Spoke with Fred Lee and in our discussion I was advised that the sewer lateral would be put in at no cost to us. With that, I asked for communication to be sent to me and he advised me that he would be corresponding with Bernard Kunihisa and ultimately with Chairman Piianaia.

4/6/87 Called back Fred Lee's office to request a copy of correspondence regarding approval of sewer lateral for us.

To date, April 24, 1987, nothing has been received and we have been going around and around and around the mulberry bush with no results.

4/21/87 Because of no response to our written communication of March 26, 1987 and subsequent telephone calls with no acknowledgement, contacted Chairman Piianaia's office and was told that she was in a meeting. Told her that I would like a call back and left my name and message to call before 3:00 PM that day or by 3:00 PM the next day.

No response.

4/22/87 2:00 PM - No response from Hawaiian Home Lands, husband decides to call and gets the same response. Chairman is in a meeting, we know about your problem, and will get back to you. Spoke with Michelle in Piianaia's office.

4/23/87 2:00 PM - Conference call made to Hawaiian Home Lands to Piianaia's office only to find out that she is in a meeting today and tomorrow and will not be able to get back to us. Michelle requested that we talk with Fred Lee's office. We were transferred to his office and after relaying the whole story and again going around the mulberry bush, he put his Engineer on the line so that he could give us a date and time for installation of the lateral. Upon his coming on the phone which took several minutes and not knowing why we were calling (perhaps lack of communication between boss and engineer who are in the same department) we again had to tell the Engineer the whole story which after a while boiled down to he can't give us a lateral and approval has to come from the Chairman.

By this time, I was totally frustrated and angry and asked to be transferred back to the Chairman's Office at which time I told Michelle that no one can help me but the Chairman and that I want to hear from her by Monday 8:00 AM April 27, 1987.

4/23/87 By this time I was so angry I told Michelle that I want to hear from her by Monday, the latest, and as Chairman Piianaia's secretary she could at least get some feedback for me.

No sooner I hung up a Mr. David Wong calls me whom by this time I was furious because he doesn't know what the problem is and again I need to inform him as to what is happening. After telling him the entire story and trying to get some decision. he tells me that he will be meeting with Bernard Kunihisa soon (in about a half hour making that 3:30 PM) to go over my problem and will get back to me. I really don't know why he called as Fred Lee and Stanley Wong informed me earlier that only the Chairman can give me an answer to my problem.

4/24/87 12:00 Noon - Received a call from David Wong who tried to make it a conference call with Bernard Kunihisa but was unable to. At this time I informed Mr. Wong that he was on a conference call to my husband and I and then the conversation proceeded.

The bottom line to the whole conversation was that the Department could put the lateral but we would have to bare the cost which is exactly what we asked in the beginning about whether the department would absorb the cost. We knew they could put it in but why should we pay for it at our cost when everyone else's was being put in by the Department, State, Federal or City.

We also advised them that the original home was on Ala Koa Street and why wasn't a lateral provided. They put a lateral on Bell when there wasn't a home there to begin with.

Also when I spoke with Fred Lee earlier in the month, I was told that they (Department of Hawaiian Home Lands) would take care of it and a lateral would be provided. Is it my fault that the Ala Koa Street Mr. Lee had in mind that thought my property was on but was not should be denied now because of location? He was given the correct address, lot number, etc. What more did he need?

I ended the conversation by telling Mr. Wong that he needs to communicate with his people on this matter and when they are all informed as to what is going on then give me a call. Also, when the letter denying our request is ready, that a call be made so that we can pick up the letter as we want to Appeal said denial.

Conversation ended at 12:30 PM.

Telephone communication with Hawaiian Home Lands

4/30/87 Called Hawaiian Home Lands, Mr. Fred Lee's office, and spoke with Maude. She didn't know what the status was and asked that I speak directly with Mr. Fred Lee.

In communication with Fred Lee at 2:34 P.M., I was told that communication has been sent to the Chairman Piianaia and that she has reviewed documents and has requested that Mr. Lee's office get a cost quote from the contractor to do the job. He also stated that his office will have to check with the City and that this is Federally funded.

Further, he stated that if the Chairman approves this request it will upset everything. (This was not his exact words but conveyed the same message).

I requested that if this was the case "why was I not notified," as I am left in limbo wondering what to do? Also I feel that I am being ignored with no answer to my letter or phone calls.

I requested that in the future he advise me by phone as to what's happening if he is not going to put it in writing.

It was further agreed that by Wednesday, May 6, 1987, BEFORE 3:00 P.M., I could expect a call from Mr. Lee's office or himself.

4/30/87 2:38 P.M. - Received a call from Bernard Kunihisa.

He told me that the Chairman was reviewing their comments to her about my request and that she has not signed the letter. She has not signed the letter because she wants to study it some more. He indicated that her not signing the letter means that "she is not saying NO yet."

She has requested some figures and research from the Land Development Division and they are working on it.

I asked him what generated this phone call as I got what I needed a few minutes ago by calling Mr. Lee myself. He said he spoke with Mr. Wong a short time ago and advised him that he would contact me and with that I said "I would appreciate being advised of what's going on if it means calling me by phone or writing me a letter." Do keep me abreast of what's happening.

Telephone call from Hawaiian Home Lands

5/14/87 11:00 A.M. - Received a call from Bernard Kunihisa with reference to my phone call to him yesterday.

I asked Bernard about the status of the sewer lateral and he advised me that the Chairman has given a tentative approval of the department picking up the cost for the sewer lateral; however, that has not been firmed up as yet. I asked him about how long it will take before I will know definitely if it is a "yes" or a "no."

He said because we want a sub-division, it will take about another month. With that, I said that we received a letter from the Chairman and that by the end of the month it will be one (1) month. And, if I understand him correctly it will take another month before a firm answer will be given to us.

I told him that I would like to know if we can get an answer by the end of the month due to our pending loan being jeopardized. He told me to find out from them what it would take for them to hold our papers and what the Department could give them for loan to be processed without penalty. I told Bernard that I would like to get an answer myself first before discussing this further with our loan company.

The bottom line of our conversation was that tomorrow, May 15, 1987 (Friday), Bernard would call to give me an idea of a time table that we would be looking at with reference to our sewer lateral.

Telephone communication with Hawaiian Home Lands

5/20/87 9:15 AM - Called Bernard Kunihisa's office for status of lateral. Mr. Kunihisa was not available so left word for him to get back to me.

9:50 AM - Call received from Bernard. He stated that the Chairman got correspondence from the Land Development Division but kicked it back for further information. She is meeting with Fred Lee today but is not certain whether they will be discussing our situation.

He said that if the Department does the funding he sees two things:

1. it will take three (3) months to install
2. letter written to City saying the Department will guarantee a sewer lateral and take it from there.

He further stated that he talked with the Waste Water people and they said they could probably get it done within a week's time if all information and data are given. The Waste Water people told him that they would have to have construction plans drawn up and possibly bonding posted.

I told him that we would wait until he got back to us but hopefully by the end of the week.

Telephone communication with Hawaiian Home Lands

June 8, 1987	Spoke with Bernard Kunihisa today of Hawaiian Home Lands with reference to sewer lateral and he advised that the Chairman was still awaiting figures from the Land Development Division and that alot of verbal things were being said but that he didn't want to be in the middle of things. I responded with whether or not it would be better to address a letter to the Chairman as it is taking a long time to get an answer. With that, he said I could and our conversation ended. A letter is being written for the Chairman's attention today.
June 9, 1987	Letter mailed to Chairman Ilima Piianaia regarding our request for assistance for a sewer lateral for our property. Copies will be sent to those involved.

TELEPHONE COMMUNICATION WITH HAWAIIAN HOME LANDS

July 13, 1987	Called Hawaiian Home Lands and spoke with Chairman Piianaia's office and was informed that the Chairman was out of town and will be returning on Friday, July 17, 1987 I then asked to be transferred to Bernard Kunihisa who was unavailable and therefore left a message for him to call me. No response from Bernard Kunihisa.
July 14, 1987	Called Bernard Kunihisa's office today and spoke with Michelle and she informed me that he was "away from his office." Left a message for him to return my call. (9:25 AM) A few minutes later Bernard returned my call at which time he informed me that a Memo had been sent to the Chairman and that she wrote back asking if the work could have been performed during certain dates of which I am not advised of. Bernard advised that he has responded to the Chairman but the contents of his letter was not revealed during our conversation and that he was leaving it at that. I then asked if a meeting could be set up to meet with the Chairman and whomever is involved and I was advised that I need to do this with Michelle in the Chairman's office. Called the Chairman's office and Michelle was unavailable and therefore left a message to have her call me back. (9:31 AM)

TELEPHONE COMMUNICATION WITH HAWAIIAN HOME LANDS

July 15, 1987

Talked with Michelle at Hawaiian Home Lands today and advised her that I would like to make an appointment to see Chairman Piianaia as I am getting nowhere as to an answer to my problem since the beginning of the year.

She advised me that the earliest the Chairman could see me was July 29th sometime in the afternoon. With that I said "fine" and that 3:30 P.M. would be good for me. We set that appointment up and then she asked if it could be handled over the phone. I told Michelle that if I didn't hear from the Chairman by the aforementioned time that she could be sure I would be at her office for the scheduled appointment.